



March 14, 2025

**The Honorable Jarrett Keohokalole, Chair**

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

**RE: House Bill 420, HD3, Relating to Remedies**

**HEARING: Friday, March 14, 2025, at 9:30 a.m.**

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

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 420, HD3, which clarifies the applicability of the statute of repose for actions arising from construction defects. Repeals the two-year limitation for actions arising from construction defects. Clarifies the required contents of a notice of claim of construction defect served on a contractor. Specifies that claimants must comply with the Contractor Repair Act and bars persons from joining a class for failure to comply with the Contractor Repair Act. Amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect. 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. Effective 7/1/3000.

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.

## **TESTIMONY OF MICHAEL ONOFRIETTI**

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### **COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

Friday, March 14, 2025  
9:30 a.m.

### **HB 420, HD3**

Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee on Commerce and Consumer Protection, my name is Michael Onofrietti, ACAS, MAAA, CPCU, Senior Vice President, Chief Actuary & Chief Risk Officer for Island Insurance, Board Chair and Chairman of the Auto Policy Committee for Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit association of property and casualty insurance companies licensed to do business in Hawaii. Members companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** the deletion of the statute of limitations in the bill and other amended language on page 1, lines 11-14 and recommends its restoration to the original language in the law. Removing the two-year statute of limitations will allow those claims that were discovered during the two years from completion of construction to be used in litigation for up to ten years. This extremely long statute of limitations leaves developers, builders, subcontractors and insurers in limbo for an unnecessarily long period of time.

Many construction defects appear within two years of date of completion and therefore, it is appropriate to keep a shorter time frame for most defect claims. The statute of repose covers those defects that do not appear for the first time within the two-year timeframe and therefore a ten-year period is appropriate.

Thank you for the opportunity to testify.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:44:16 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Newcamp	Testifying for Hawaii Regional Council of Carpenters	Support	Remotely Via Zoom

Comments:

Testifying in support on behalf of the Hawaii Regional Council of Carpenters and will give testimony remotely via Zoom. Mitchell Tynanes (HRCC) is unavailable to deliver in-person testimony for this hearing.



March 12, 2025

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

RE: **HB 420, HD3 – Relating to Remedies**  
**Hearing Date: Friday, March 14, 2025 at 9:30am**  
**Conference Room 229, State Capitol**

Aloha Chair Keohokalole, Vice Chair Fukunaga 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, HD3 – RELATING TO REMEDIES. This bill seeks to reform the Contractor Repair Act (CRA) under HRS § 672E and clarify important aspects of the statute of repose under HRS § 657-8. D.R. Horton Hawaii has been building affordable and workforce housing for first time buyers and Hawaii's families throughout the State for over fifty years.

D.R. Horton Hawaii is among a group of experienced Hawaii homebuilders and developers who have been committed to positively addressing our state's housing shortage. Over the last several decades, we collectively have provided thousands of housing options for Hawaii's working residents and families. We have also collectively seen and experienced rising construction defect litigation claims that have debilitated the production of much needed housing, eliminated access to mortgage financing and prevented homeowners from receiving needed repairs for legitimate defects.

A recently released UHERO report entitled "Construction Defect Litigation, Housing Affordability, and Homeownership in Hawaii", March 10, 2025 found that construction defect liability lawsuits have:

- become more frequent - Prior to 2001, zero construction defect liability cases were filed based on publicly accessible documents. From 2001 to 2024, 57 distinct cases were filed encumbering at least 17,555 residential units.
- created financing barriers by limiting access to low downpayment government backed mortgage programs – buyers of units under active litigation have access to only portfolio mortgage lending. This type of lending manages risk exposure by limiting lending capacity,



tightening underwriting standards and including litigation interest rate adders between 0.25% to 1%. Each 0.25% increase over current market interest rates on an \$800,000 home with a 20% downpayment adds \$100 per month to a mortgage payment, or \$36,000 over the life of a loan.

- increased housing costs – a 200% increase in litigation defense costs and 500% increase in insurance costs over the last two decades must now be underwritten in a housing project's soft cost budget.

The intent of the CRA is to create a process in which homeowners and contractors can work collaboratively on alleged construction defects prior to litigation. This intent is being circumvented by aggressive litigation. What is very concerning is that once a class-action lawsuit is filed and certified, builders are prohibited from directly communicating with homeowners to earnestly address legitimate repairs, the very opposite of the CRA's intent. Furthermore, many homeowners do not realize they are included in a lawsuit and remain unaware of their right to opt out, or encounter difficulty opting out, if they believe their home has no damage.

HB 420 was introduced to address these challenges with key statutory clarifications and reforms that will protect both homeowners and builders, while promoting the intent of the CRA to create a more cooperative and efficient resolution process. HB 420 will help homeowners with legitimate defect claims get the repairs they deserve, before litigation, while creating a process to inspect and identify homes that do not have any damage and thus, do not need unnecessary repairs. Specifically, the bill would:

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

The proposed language in HRS § 657-8(a) would clarify that the statute is applicable to all types of actions by stating that "No action, whether in contract, tort, statute, or otherwise, to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of any deficiency or neglect in the planning, design, construction, supervision and administering of construction, and observation of construction relating to an improvement to real property shall be commenced more than two years after the cause of action has accrued, but in any event, not more than ten years after the date of completion of the improvement" which aligns with the fundamental purpose of the statute of repose.

The bill also clarifies that the statute of repose begins at the earlier of the following times: "(1) The issuance of a certificate of occupancy or (2) The filing of an affidavit of publication and notice of completion within the circuit court of the judicial circuit where the property is situated in compliance with section 507-43(f). If the improvement consists of multiple buildings or improvements, each building or improvement shall be considered as a separate improvement for purposes of determining the limitations period set forth in this section."

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

The 10-year limit within HRS § 657-8 serves as a statute of repose, establishing an absolute bar to claims after the defined period. Unlike statutes of limitations, statutes of repose

are not subject to judicial extension or equitable tolling. The U.S. Supreme Court clarified this distinction in *CTS Corp. v. Waldburger*, 573 U.S. 1 (2014), emphasizing that statutes of repose provide defendants with certainty and finality, shielding them from perpetual liability. In enacting this statute, the Legislature balanced the rights of claimants with the need for legal certainty for contractors. Notably, several states have statutes of repose shorter than Hawaii's 10- year period, underscoring the reasonableness of our current law.

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

The proposed changes in HRS § 672E-3(a) and (b) ensure that claimants and contractors have access to essential information for meaningful participation in the repair process. Claimants must describe the claims with enough specificity for respondents to understand the potential defect. The claimants should also provide existing reports, photographs, and testing results and be required to share them, facilitating timely and effective repairs. Importantly, these amendments do not preclude the ability to file a lawsuit but do promote transparency and informed decision-making among stall claimants and potential class members.

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

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

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

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

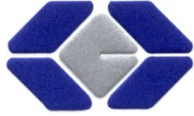
HB 420 strikes a balanced approach that safeguards homeowners' rights while allowing builders to continue addressing Hawaii's housing needs. By ensuring that legitimate defects are resolved swiftly and fairly, these reforms help reduce unnecessary litigation that ultimately burdens homeowners, builders, and the broader community. For the sake of Hawaii's families and the long-term stability of our housing market, I respectfully urge you to pass HB 420. Mahalo for your consideration, it is much appreciated.

Sincerely,



Tracy Tonaki  
President  
Hawaii Division

# THE GENTRY COMPANIES



March 11, 2025

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

Subject: **H.B. 420, H.D. 3 RELATING TO REMEDIES**  
Hearing: Friday, March 14, 2025, 9:30 am  
Conference Room 229, State Capitol

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

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

Construction defects lawsuits not only delay the construction and sale of new homes, they also add to the overall cost of housing and jeopardize Hawaii's building industry. These lawsuits have not only delayed the construction of much-needed homes for Hawaii's residents, they have also affected people's livelihoods; decreased housing supply; restricted mortgage lending; affected insurance rates; and have increased the overall cost of housing.

As a homebuilder which has existed in Hawaii for over 55 years and which 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.

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 provider of workforce housing for local families, we find this to be both undesirable and unacceptable.

HB420, H.D. 3, 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 black ink, appearing to read "Quentin Machida".

Quentin Machida  
President and CEO

*Castle & Cooke*  
*Homes Hawaii, Inc.*

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

March 14, 2025  
9:30 am  
Conference Room 229

**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,



Alan Arakawa for Garret J. Matsunami, President  
Vice President, Residential Operations  
Castle & Cooke Homes Hawaii, Inc.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:18:07 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Reina Miyamoto	Testifying for Hawaii HomeOwnership Center	Support	In Person

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street  
Honolulu, HI 96813

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am the Executive Director for the Hawaii HomeOwnership Center and its non-profit affiliates, HHOC Mortgage and HHOC Housing and Land Trust. Collectively, these non-profit organizations primarily support first-time homebuyers through pre-purchase classes & coaching, post-purchase workshops & support, affordable financing products, and preservation of below-market homes. Over half of our homeownership education & coaching program participants are considered as ALICE (asset limited, income constrained and employed) – our working individuals and families challenged with their living expenses. Half of those enrolled in our lifetime membership of services who purchased a home were considered low-income.

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners and eliminating what has become an additional barrier to homeownership in our already challenging housing market.

Hawaii has a high-cost real estate market where wages generally do not keep pace and there is low home inventory. Our employers are also struggling to find employees. There is a direct correlation to a thriving workforce and housing that is affordable for that workforce. Flaws in

the Contractor Repair Act have negatively impacted the housing available for our workforce and others who seek to own a home in Hawaii through unnecessary lawsuits, delay in repairs to construction defects, and increased costs.

HB420 HD3 provides an opportunity for home builders to address construction defects prior to a lawsuit being filed. By removing litigation as the first option to address defects, homeowners receive the home repairs they need without the delays caused by litigation (builders are not allowed to repair defects during the litigation period).

Government-backed loans provide low to no down payment financing options. These types of loans are not available in projects where there is litigation, eliminating purchase opportunities for those who do not have 20%+ down payment.

This bill does not take away the right for consumers to file a lawsuit to address unresolved issues with a builder – it provides a process to ensure their concerns can be addressed before a lengthy lawsuit is filed.

Hawaii is in a housing crisis and solutions to remove barriers to housing inventory without removing the rights of consumers are needed. HB420 HD3 will assist with this.

Please pass HB420 HD3 and provide protection to homeowners and increase home purchase opportunities for homebuyers – providing support for our workforce to access homes they need, and therefore supporting our overall communities relying on that workforce.

Sincerely,

Reina Miyamoto

Executive Director





March 13, 2025

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

RE: **HB 420 HD3 - Relating to Remedies**  
**Hearing date: March 14, 2025 at 9:30 AM**

Aloha Chair Keohokalole, Vice Chair Fukunaga and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in general **SUPPORT** of the intent of HB 420. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

HB 420 HD3 is intended to close a loophole that has allowed mainland attorneys to weaponize class-action and condominium association lawsuits against home builders. These lawsuits not only harm contractors and home builders, but they also drive up already high housing costs in Hawaii and create insurance and financing issues. This has broader implications for the housing supply - and ultimately harms home buyers.

Currently, Hawaii is in a housing crisis, which has been exacerbated by extensive regulatory hurdles and delays that have significantly added to the cost and risk of building housing across the state. Projects that include multi-family units, condominiums, townhouses, and production housing and master-planned communities are prime targets for class-action and condominium lawsuits filed by mainland construction defect attorneys. The rise in these cases is severely impacting future housing development in our state.

Hawaii's current construction defect resolution process is not working, and HB 420 attempts to reduce unnecessary litigation that ultimately burdens homeowners, builders, and the broader community.

In sum, we support the intent of HB 420 to facilitate the continued development of housing inventory and more accessible loans for Hawaii residents. NAIOP appreciates the Legislature's commitment to collaborating on this issue and look forward to working together.

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Committee on Commerce and Consumer Protection  
March 13, 2025  
Page 2

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a stylized flourish at the end.

Reyn Tanaka, President  
NAIOP Hawaii





March 11, 2025

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

**RE: Strong Support for HB420, HD3 – Relating to Remedies**

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee Members,

My name is Phyllis Kacher and I am chief business development officer and principal broker of Associa Hawaii—one of Hawaii's largest community management companies and branch office of the country's largest residential community management firm. I have been in the residential property management and real estate industry for more than 25 years and have worked with many boards of directors of new condominium and homeowner associations.

**I am testifying in strong support of HB420, HD3 because:**

**Construction Litigation Crushes the Dream of Homeownership**—Hawaii homebuyers rely on lenders such as FHA, Fannie Mae, Freddie Mac, Veterans Affairs which offer low or no downpayment loans. Construction lawsuits close the door to this lending option for Hawaii families. Because of the large increase in the number of construction lawsuits and difficulty in securing insurance, homebuilders of much-needed new housing projects for first-time buyers have been unable to move forward.

**Construction Litigation Hurts New Homebuyers**—New homebuyers included in class action litigation are restricted from working directly with the developer to coordinate even simple repairs. To strengthen an association's case, boards of directors have been encouraged to defer property maintenance. Instead of having needed repairs made in a timely manner, new homebuyers often wait for years as the lawsuit drags on. These new homebuyers are stuck — discouraged from making repairs to their new home, unable to sell their home or even refinance.

HB420, HD3 provides the opportunity for homeowners and homebuilders to address construction issues early and collaboratively toward a fair outcome and the dream of homeownership to become a reality for Hawai'i families. I respectfully urge your support.

Mahalo,

A handwritten signature in black ink, appearing to read "Phyllis O. Kacher".

Phyllis O. Kacher  
Chief Business Development Officer  
Principal Broker RB14949

**O'AHU** | 737 Bishop Street, Suite 3100 (Mauka), Honolulu, HI 96813  
808.836.0911 | Fax 1.888.608.4021

**KAUA'I** | 4-1579 Kuhio Highway, Suite 102, Kapa'a, HI 96746  
808.821.2122 | Fax 1.808.821.2131

**HAWAII ISLAND** | 75-169 Hualalai Road, Kailua-Kona, HI 96740  
808.329.6063 | Fax 1.808.326.2486

**MAUI** | 375 Huku Li'i Place, Suite 207, Kihei, HI 96753  
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# LIPP SMITH LLP

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

March 12, 2025

Subject: **OPPOSITION TO HB420, HD3**

Dear Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee on Judiciary & Hawaiian Affairs:

We hereby submit this testimony to **OPPOSE HB420, HD3-RELATING TO REMEDIES.**

## **1. Requiring Inspections of Every Class Home Undermines the CRA's Purposes**

Special interests are likely pushing the Legislature to enact HB420, HD3 in an attempt to influence **pending class action litigation and appeals** concerning thousands of homes that courts have been managing for years.

We urge the Committee to amend HB420, HD3 to limit Contractor Repair Act ("CRA") inspections in class actions to **representative samplings** of class homes, rather than requiring inspection of **every** class home.

We also urge the Committee to amend HB420, HD3 to ensure **it will not be retroactively applied** to litigation and appeals on long-pending class actions for - collectively - owners of approximately 7,500 Hawai'i homes.

We are one of the few law firms representing homeowners in class actions where builder demands for CRA inspections on all class homes have stalled disposition of those claims **for years**. The dangers of requiring CRA inspections on all class homes are established in two actual, pending cases.

**Sample Case #1:** In 2015, we filed class action claims for owners of approximately 2,700 Hawai'i homes. Initial destructive testing that all parties attended in 2017 confirmed defects in structural components:



Thereafter, the builders mounted various legal challenges, including demands for CRA inspections on all class homes, stalling disposition of the claims.

From May 2021 - April 2023, litigation stalled while the builders inspected nearly 600 class homes. The Court found the builders engaged in "undue delay in exercising its Contractor Repair Act rights" and ended inspections.

**More than 10 years after** the initial class claims for these defects were filed, class members who own more than 500 homes have their trial set for January 5, 2026; and class members who own more than 2,100 homes will have their appeal fully briefed in the coming days. We anticipate the builders might attempt to exploit amendments to H.R.S. §§ 657-8 & 672E to unravel **10 years of pending litigation and appeals** in Sample Case #1, harming owners of approximately 2,700 Hawai'i homes if their imminent resolutions by trial and on appeal are disrupted, denied, or further delayed.

**Sample Case #2:** In 2021, we filed class action claims for owners of approximately 4,800 Hawai'i homes. Initial destructive testing that all parties attended in 2021 confirmed defects in structural components:



Since then, the builders demanded CRA inspections on all class homes, stalling disposition of the claims.

From January 2023 - November 2024, litigation was periodically put on hold for CRA inspections. During that period, owners and associations of owners offered 2,109 homes for inspections; the builders completed more than 1,500 inspections and cancelled or waived approximately 250 inspections. The builders never made a single H.R.S. § 672E-4(d) offer within fourteen days of those inspections. The builders also demanded mediation pursuant to H.R.S. § 672E-7, however, they refuse to propose or agree to a mediator.

Class members who own approximately 4,800 homes have their mediation cutoff at the end of this year, and trial set for July 2026, **nearly 5 years after filing the initial class claims for those defects**. We anticipate the builders might attempt to exploit amendments to H.R.S. §§ 657-8 & 672E to unravel **years of pending litigation** in Sample Case #2, harming owners of approximately 4,800 Hawai'i homes if their imminent mediation cutoff and resolution by trial are disrupted, denied, or further delayed.

**Inspections of All Class Homes Undermines the CRA:** When enacting the CRA, or SB2358, in the Regular Session of 2004, the Senate Committee on Judiciary and Hawaiian Affairs found that "this measure provides homeowners and others

suffering from construction defects in their residences and premises with a speedy and precise resolution to their problems . . . . This measure enables the resolution of claims for construction defects without incurring the high costs of litigation.” Sen. Stand. Com. Rep. 2790 (2004).

In Sample Case #1 and Sample Case #2, the parties have easily incurred thousands of hours of legal fees and millions in costs over the years since the original class claims for these products were filed – solely because the builders insisted on CRA inspections for every class home. All the while, thousands of Hawai'i homeowners have been left holding their breath through every hurricane season when they are exposed to structural hazards in their homes.

Inspections limited to **representative samplings** of class homes in class actions like Sample Case #1 and Sample Case #2 would have shaved years from litigation, spared all parties incredible litigation costs, and fostered the efficient disposition of these claims, which are all core purposes of the CRA. However, allowing builders to insist on inspecting every home in a class action – which is what occurred in Sample Case #1 and Sample Case #2 – has the opposite effects, undermining the CRA's core purposes of speedy, precise, and cost-efficient resolution of construction defects.

Moreover, after years of delay caused by builders' unilateral inspections demands, these owners of – collectively – approximately 7,500 homes finally have **imminent trial dates and pending appeals**. Enacting HB 420, HD3 without express limits against retroactive application to already pending litigation and appeals risks undermining years of court orders, court resources dedicated to extensive case management, and monumental litigation efforts and resources by both the homeowners and the builders. The Legislature should not enact laws that builders may attempt to exploit for new litigation advantages in already lengthy and pending litigation and appeals concerning – collectively – approximately 7,500 homes.

## **2. HB420, HD3 Expands CRA Application to All Claims – Including Those for Breach of Contract, Breach of Warranty, and Consumer Protection – to the Detriment of Hawai'i Consumers**

HB420, HD3 extends the CRA to claims beyond construction defect claims sounding in tort to include claims “whether in contract, tort, statute, or otherwise.” This extension of the CRA would be at the expense of consumers and upend decades of settled law. Claims for breach of contract, breach of warranty, and unfair business practices each rely on their own long-standing requirements in the common law and/or statutory provisions, including specific statutes of limitation.

Builders that engage in conduct that triggers claims for causes of action in addition to negligence should be held accountable for the separate procedures and substantive laws that apply to those independent claims.

## **3. HB420, HD3 Would Undermine Homeowners' Existing Contracts and Warranties**

In large single-family and condominium home developments, lengthy and complex home purchase agreements and warranties govern the rights and obligations of contractors and buyers. These contract documents and



warranties typically provide for (1) warranty periods; (2) notice requirements for construction defect claims; (3) builder inspection rights; (4) dispute resolution provisions; and (5) attorney fee and cost provisions.

Enacting HB420, HD3 risks undermining purchase agreements and warranties drafted in reliance on the 2004 version of H.R.S. § 672E for more than the last two decades. For example, a 10-year warranty that allows a homeowner to recover the cost of repairs would be artificially capped to the cost of repairs during the 672E process, which is typically years before disposition of a case. In the meantime, many factors affect those costs (i.e., supply chain problems, tariffs, a labor shortage, a pandemic, etc.). And a home warranty extended by a builder for more than 10 years from the date of substantial completion could be cut short.

HB420, HD3 provisions that are contrary to pre-existing purchase agreements and warranties between contractors and homeowners will undermine current contract and warranty rights and obligations, create confusion in contract interpretation and enforcement, and result in lengthy litigation over how to square HB420, HD3 with more than two decades of contracts made consistent with 672E's existing provisions. Undermining existing contracts and warranties undermines homeowner rights.

#### **4. HB420, HD3 Risks Limiting Homeowner Recoveries to an Amount that May Be Insufficient to Repair Critical Life and Safety Defects**

HB420, HD3 provides that "[i]f a homeowner rejects a contractor's reasonable offer of settlement," any later "cost of repair recovery is limited to the reasonable value of the repair determined **as of the date of the offer and the amount of the offered monetary payment.**" HB420, HD3 (emphasis added). This provision means that if construction costs have risen for any reason between a contractor's offer of settlement during the CRA procedures through later litigation - whether due to supply chain problems, tariffs, a labor shortage, a pandemic, or any other issue - a homeowner cannot recover those increased costs necessary to repair their home. This limitation would prevent homeowners from fully repairing any life and safety defect, endangering that homeowner and their families, loved ones, and neighbors. This provision will not effectuate "a speedy and precise resolution to [homeowners'] problems."

#### **5. HB420, HD3 Creates a One-Sided, Pro-Contractor, Anti-Homeowner Process**

Finally, HB420, HD3 creates a more one-sided notice and claims process that only benefits contractors, before any homeowner is even allowed to set foot in court than the legislators who originally enacted 672E either contemplated or intended.

HB420, HD3 turns pre-litigation procedures - originally designed to facilitate early resolution of construction defect claims - into lengthy, potentially punitive procedures in which only contractors have rights and homeowners bear all obligations and risks, including being ultimately stuck with dangerous construction defects.

HB420, HD3 fundamentally undermines the status quo already provided in the current version of 672E. 672E already gives builders an early window to

investigate and resolve construction defect claims. And when builders forgo their early 672E benefits or homeowners exercise their own rights to reject inadequate offers, the current version of 672E ensures all parties maintain their access to a level playing field.

However, for at least the foregoing reasons, HB420, HD3 would enable builders to put their thumb on the scale when homeowners stand up to them by proceeding in litigation. HB420, HD3 will not protect, and in fact will harm, Hawai'i homeowners.

### **Conclusion**

Thank you for considering our **opposition to HB420, HD3**.

We strongly urge the Legislature to protect Hawai'i homeowners by rejecting HB420, HD3 on all fronts.

Sincerely,

LIPPSMITH LLP

Graham B. LippSmith



## Young Democrats of Hawai'i

**Executive Board:**      **March 14, 2025**

Cori Terayama  
**President**

**RE:    Testimony in Support of HB420 HD3, Relating to Remedies**  
**Hearing Date: Friday, March 14, 2025 at 9:30 AM**  
**Conference Room: 229**

Cameron Deptula  
**Vice-President**

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

Jimmy Nguyen  
**Secretary**

The Young Democrats of Hawai'i (YDHI) **SUPPORTS HB420 HD3, RELATING TO REMEDIES.**

Isaiah Baclaan  
**Treasurer**

HB420 HD3 would clarify the applicability of the statute of repose for actions arising from construction defects and specifies that a plaintiff's failure to plead with particularity the claim of fraudulent concealment, if the plaintiff raises the defense, subjects the plaintiff to liability for the costs incurred by the defendant, including attorneys' fees and costs. The bill would further clarify the required contents of a notice of claim of construction defect served on a contractor and 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. Lastly, the bill would limit the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy and would further clarify the consequences of rejecting an offer of settlement. Effective 7/1/3000.

Cindy Ing  
**Young Democrats of America National Committeewoman**

Maria Glodilet Rallojay  
**Membership and Events Director**

Dave Nagaji  
**Campaign Director**

YDHI supports this bill because it addresses key factors driving up housing costs—unpredictable litigation risks and excessive insurance costs, which directly limit housing development and affordability. Housing prices have tripled since the 1990s. For many young adults, homeownership feels increasingly out of reach, and we are being pushed out of the State to look for more affordable options in the continental U.S. One of the underlying causes of these challenges is the legal environment surrounding construction defect claims. Developers factor potential litigation expenses into their business models, resulting in fewer housing projects and higher prices for those that are built.

Jennifer Tse  
**Policy and Research Director**

By requiring particularity in claims of fraudulent concealment and adjusting the process for accepting settlement offers, it promotes good-faith resolutions while discouraging litigation strategies that unnecessarily drive up costs. Young adults,



## **Young Democrats of Hawai'i**

many of whom are first-time homebuyers, benefit when housing markets are predictable and accessible, rather than being burdened by excessive legal costs embedded into home prices.

YDHI is an organization whose mission is to increase the political strength of young democrats between 18 and 35 years old by providing opportunities for civic engagement, political advocacy, and participation in the Democratic Party of Hawai'i. YDHI consists of over 1,600 members.

Mahalo nui loa for the opportunity to testify in SUPPORT of HB420 HD3,  
RELATING TO REMEDIES.



March 11, 2025

TO: Chair Keohokalole and members of the Senate Committee on Commerce & Consumer Protection  
RE: HB 420, HD3 Relating to Remedies

Dear Chair Keohokalole 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, HD3.**

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 homeownership 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. Consumers would be satisfied with repair or remedy for defects if it were. 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 worsens.

By protecting contractors from unscrupulous litigation, HB420 also protects affordable workforce housing for our residents. **Let's advance HB 420, HD3.**

Thank you,



Lee Wang  
Executive Director  
Housing Hawai'i's Future  
[lee@hawaiisfuture.org](mailto:lee@hawaiisfuture.org)



Perry Arrasmith  
Director of Policy  
Housing Hawai'i's Future  
[perry@hawaiisfuture.org](mailto:perry@hawaiisfuture.org)



MUTUAL HOUSING  
ASSOCIATION OF HAWAII

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

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

March 11, 2025

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

Dear Chair Keohokalole and Committee Members:

Subject: House Bill 420 HD3 – Relating to Remedies

**The Mutual Housing Association of Hawai'i, Inc. ("Mutual Housing") strongly supports House Bill 420 HD3**, 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.

Mutual Housing is currently experiencing first-hand how wasteful construction litigation can impact innocent parties. Our organization developed the Kūlia affordable rental community in the Ho'opili master-planned community in 2020. Kūlia has not experienced any serious construction defects, however, attorneys that have filed a class action suit against D. R. Horton sent a letter last year trying to draw us into their class action lawsuit. We explained that we do not qualify to be a member of their class action as we are not a homebuyer and we had not experienced any construction problems in our development. Regardless of formal communication from our attorneys, these attorneys have refused to acknowledge our correspondence and we have had to file two legal motions to be removed from their class action. We are confounded that we have had to fight for our right to not be a part of their class action suit. Our non-profit has incurred unnecessary legal costs to prevent this misrepresentation and manipulation.

We believe that HB420 HD3 offers a sensible solution by establishing clearer guidelines that will lead to a more collaborative and fair process when construction defects arise. 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. The bill before you 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

**HB-420-HD-3**

Submitted on: 3/11/2025 10:34:43 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

Hawaii LECET supports HB420 HD3.



TERRANCE S. ARASHIRO, P.E.  
ADRIENNE W.L.H. WONG, P.E., LEED AP  
DEANNA M.R. HAYASHI, P.E.  
PAUL K. ARITA, P.E.  
ERIK S. KANESHIRO, L.P.L.S., LEED AP  
MATT K. NAKAMOTO, P.E.  
GARRETT K. TOKUOKA, P.E.

March 11, 2025

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

**Subject: Support for HB420 HD3 – Relating to Remedies**

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

Austin, Tsutsumi & Associates, Inc., (ATA) a local engineering and surveying firm of 70+ dedicated kama'aina **strongly support HB420 HD3**, for the sake of local residents and our future generations in an already severely limited housing market.

We have had first-hand experience in being targeted by mainland law firms, encouraging AOA's to bring forth alleged deficiencies in very well planned, designed and constructed housing projects. In our case, the target was an affordable multi-family housing project serving residents on Maui. We are also assisting in resolving two other decades-old, multi-family projects, on behalf of local engineering companies. The claim amounts are, of course, unfathomably larger than the actual cost of repair, on the hopes of seeking a higher settlement rather than fair resolution. Moreover, the AOA and its residents are waiting years as the unnecessary legal battles delay repairs. We also have employees who live in developments impacted by similar cases, so we lose on both sides of the issue. We are not looking to overlook construction and design defects, but a more direct and fairer process so both homeowner and supplier can move forward.

Simply put, HB420 HD3 ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

We humbly request that your committee pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market. Mahalo for your dedicated leadership, and thank you for your consideration of our input.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By

TERRANCE S. ARASHIRO  
President

TA:ta

**SINCLAIR DRYWALL, Inc.**  
**905 Kalanianoʻle Hwy, #107,**  
**Kailua, HI 96734**

March 11, 2025

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!



KARL SINCLAIR,



# HAWAIIANA

**Hawaiiana Management Company, Ltd.**  
**Pacific Park Plaza, Suite 700**  
**711 Kapiolani Boulevard**  
**Honolulu, Hawaii 96813**  
**Tel: (808) 593-9100**  
**Fax: (808) 593-6333**

March 11, 2025

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

RE: Strong Support for HB420 HD3 – Relating to Remedies

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

My name is Jon McKenna, and I am the President of Hawaiiana Management Company, Ltd., Hawaii's leading association management firm, overseeing more than 700 associations across six islands. With over 25 years in property management and related fields, I have worked closely with condominium boards, developers, and associations of apartment owners (AOAOs).

These boards are composed of volunteer homeowners who dedicate their time to managing their communities. However, their volunteer status and varying levels of experience in complex legal and construction matters make them vulnerable to aggressive tactics employed by some attorneys. These attorneys often pressure boards into joining class-action construction defect lawsuits, even when issues could be resolved through more cooperative and less adversarial means.

The current loopholes in the Contractor Repair Act have allowed this exploitation to flourish. Instead of focusing on timely repairs, boards are drawn into prolonged legal battles that increase legal fees, burden homeowners with potential assessments, and strain community relations. Entire communities have been advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair and homeowners frustrated.

HB420 HD3 will help restore the original intent of the Contractor Repair Act by promoting a cooperative process that allows builders to address defects before litigation is pursued. This reform will protect our volunteer board members from undue legal pressures, ensure the financial stability of our communities, and foster a more harmonious living environment for all residents. It will also help keep housing affordable by reducing unnecessary legal costs and ensuring homeowners receive timely repairs.

I urge the committee to pass HB420 HD3 to support homebuyers, homeowners, and Hawai'i's housing future.

Very truly yours,

Jon McKenna, President  
Hawaiiana Management Company, Ltd.

Leonard K.P. Leong  
President

March 11, 2025

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



Subject: Strong Support for HB420 HD3 – Relating to Remedies

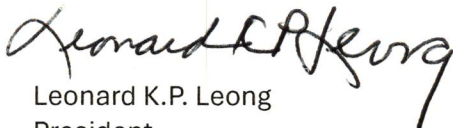
Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

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

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

Senator Keohokalole, please call if additional information is needed my cell # is 808-478-7516.

Mahalo!



Leonard K.P. Leong  
President



March 11, 2025

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



Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

My name is Darian Chun, and I work in Hawai'i's building industry. I am testifying in strong support of HB420-HD3

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-HD3 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support. Mahalo.

Darian Chun

Darianc8111@gmail.com



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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

March 11, 2025

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

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

RE: **Strong Support for HB420 HD3** – Relating to Remedies

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

I am Peter Eldridge, owner of Raynor Hawaii Overhead Doors and Gates Inc. and we employ 33 people in Hawai'i's building industry. I am testifying that the state of Hawaii needs HB420 HD3.

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 HD3 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**

**HB-420-HD-3**

Submitted on: 3/11/2025 7:03:10 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

**The Honorable Jarrett Keohokalole, Chair**

**And Members of the Commerce and Consumer Protection**

**Hawai'i State Senate**

**Hawai'i State Capitol**

**415 S. Beretania Street  
Honolulu, HI 96813**

**RE: Support for HB420 HD3**

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

**My name is Guy Taylor, and I am a general contractor here in Hawaii. I am testifying in strong support of HB420 HD3.**

**The Contractor Repair Act was intended to foster collaboration between builders and homeowners, ensuring defects are addressed efficiently. Unfortunately, this process has been derailed by attorneys exploiting legal loopholes to file class action lawsuits that are often unnecessary and hurting both the construction industry here in Hawaii and the homeowners that purchase these properties. In many 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. We as builders face heightened risks, which leads to higher construction costs, fewer housing projects, and reduced affordability.**

**We build quality housing following the building codes to the tee using the highest quality material and hardware specified per the building codes. We are also signatory with the Hawaii Carpenters Union and use skilled tradesmen. If this matter is not addressed the**

**home building industry will continue to struggle under the weight of legal uncertainty and rising costs and perhaps on certain upcoming projects the developers will choose to take their business to the mainland.**

**HB420 HD3 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 ask that the committee will pass HB420 HD3 to support both the Homebuyers as well as the building industry here in Hawaii.**

**Thank you**

**Guy Taylor**

**Z Contractors Inc.**

**gtaylorhawaii@gmail.com**

**HB-420-HD-3**

Submitted on: 3/11/2025 10:32:07 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Frederick Lau	Testifying for Fred Lau Hawaiian Landscape Company Inc.	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai'i State Senate

Hawai'i State Capitol

415 Beretania Street Honolulu, Hi 96813

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

I am testifying in strong support of HB420 HD3, which is essential to protecting home owners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The **current flaws** in the Contractor Repair Act have only made this worse, leading to **unnecessary legal battles** that delay much needed repairs, **drive up home prices** and discourage builders from bringing more housing to the market. We work with a team of responsible home builders and contractors who are responsive to any and all defects in workmanship on our projects. The **flaws in this Contractor Repair Act** have caused many of our contracts which have already been awarded to come to stall, putting many of my employees on the Union bench until those projects start up again.

These legal loopholes do not protect homeowners, instead, they create a system where lawsuits take precedence over common sense solutions. Rather than focusing on getting timely and fair repairs, the homeowners are drawn into protracted legal disputes that often leave them worse off and the attorneys much wealthier. For the first time homebuyers, particularly those using government backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects **before a lawsuit** is filed. This bill helps

homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation driven cost increases that make housing even more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to **pass HB420 HD3** to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Frederick Lau - President Fred Lau Hawaiian Landscape Company Inc.

171 Waokanaka Place, Honolulu, HI. 96817

**HB-420-HD-3**

Submitted on: 3/11/2025 12:49:46 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
robert pilato	Testifying for R&C Roofing Contractors	Support	Written Testimony Only

Comments:

**The Honorable Jarrett Keohokalole, Chair****and Members of the Commerce and Consumer Protection****Hawai'i State Senate****Hawai'i State Capitol****415 S. Beretania Street****Honolulu, HI 96813****Subject: Strong Support for HB420 HD3 – Relating to Remedies**

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners, instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**Robert Pilato**

**Partner/ RME License #33642**

**Rob@safehomeservice.com**

**808 216-3256**



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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

**Gregory Brandes**

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**Hawaii Fence Builders**

**Parris Ernst**

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

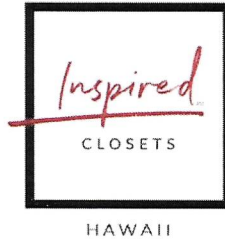
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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!



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

A handwritten signature in black ink, appearing to be "K. Potter", written over a horizontal line.

Kamuela Potter  
Owner  
808-678-0096  
kamuela@inspiredclosetshawaii.com

March 11, 2025

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

A-Plus Seamless Raingutters, Inc.  
Katherine M Ishida  
808-623-0394

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

RE: Strong Support for **HB420 HD3** – Relating to Remedies

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

I am testifying in **strong support of HB420 HD3** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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

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

HB420 HD3 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass HB420 HD3 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!  
Carole Ueki  
carole@kyinternational.com

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

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Mahalo!  
Iris Abe  
iris@kyinternational.com

March 11, 2025

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

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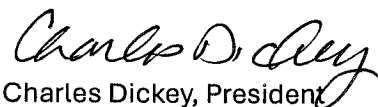
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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Sincerely,



Charles Dickey, President

Tru-Door Hawaii  
91-295 Kauhi Street  
Kapolei, Hawaii 96707



March 11, 2025

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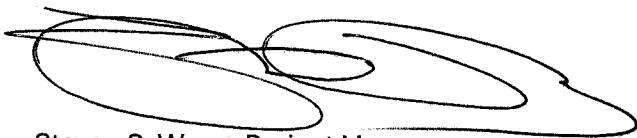
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Sincerely,

A handwritten signature in black ink, appearing to read 'Steven S. Wong', with a large, stylized flourish extending to the right.

Steven S. Wong, Project Manager  
Tru-Door Hawaii  
91-295 Kauhi Street  
Kapolei, Hawaii 96707

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

Craig Nishimura

[craign@grayhongnojima.com](mailto:craign@grayhongnojima.com)



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Mahalo!

Joey Gomez

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Mahalo!

**Vinyl Tech and Masonry, Inc.**

**Dayle Tejada**

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and Members of the Commerce and Consumer Protection  
Hawai'i State Senate  
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**Vinyl Tech and Masonry, Inc.**

**Shawn Sokugawa**

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Hawai'i State Senate  
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Mahalo!

**Vinyl Tech and Masonry, Inc.**

**Chris Sokugawa**



## *Commercial Sheetmetal Co. Inc.*

94-142 LEOLEO STREET \* WAIPAHU, HAWAII 96797

PHONE: (808) 671-4002 FAX: (808) 676-7965

3/12/2025/2025

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

Commercial Sheetmetal Co., Inc.  
contactus@csm-co.com



**HB-420-HD-3**

Submitted on: 3/12/2025 8:52:31 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sang Byun	Testifying for Bergeman Group	Oppose	Written Testimony Only

**Comments:**

I am writing to express my strong opposition to HB420 HD3, a bill that places undue burdens on homeowners seeking to hold contractors accountable for construction defects. This bill would significantly weaken homeowners' ability to seek timely and fair remedies for defective construction, favoring contractors over the rights and interests of property owners.

HB420 HD3 imposes excessive procedural barriers on homeowners by requiring them to submit detailed claims, including expert reports and testing results, before even initiating legal action. Many homeowners do not have the financial or technical resources to compile such evidence, effectively limiting their ability to seek justice.

Additionally, the bill mandates prolonged waiting periods and extensive negotiation processes that delay necessary repairs. Homeowners should not be forced to live in unsafe or defective homes while navigating unnecessary bureaucratic hurdles designed to benefit contractors.

Another major concern is that the bill allows contractors to dictate the terms of repair or settlement, including partial remedies that may not fully address the defects. If a homeowner rejects a contractor's offer and seeks legal action, they risk having their recovery limited to the original offer amount and may even be responsible for covering the contractor's legal fees. This provision discourages legitimate claims and creates an unfair advantage for contractors.

Furthermore, HB420 HD3 undermines homeowners' access to insurance remedies by stating that a notice of claim does not trigger coverage obligations. This means homeowners could be left shouldering repair costs while waiting for a resolution, placing undue financial stress on those affected by construction defects.

As a concerned citizen, I urge you to oppose HB420 HD3 and support legislation that prioritizes the rights and protections of homeowners rather than shielding contractors from accountability. Homeowners deserve fair and accessible legal recourse to ensure the safety and integrity of their homes.

Thank you for your time and consideration. I strongly encourage you to reject this bill and work toward policies that uphold homeowner rights.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:50:38 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ben Young	Testifying for Bergeman Group	Oppose	Written Testimony Only

Comments:

**Subject:** Legislature BillI **OPPOSE** this outrageous anti-homeowner bill.

This law would benefit developers and builders at the expense of homeowners. It would simultaneously drive up the cost of litigation while limiting contractor liability for their own defects.

Requiring every class home to be inspected is unnecessary because the same defect will be seen over and over. Such a requirement would make litigation costs worse, not better. Most importantly this requirement would delay critical life-safety repairs unnecessarily prolonging homeowner exposure to hazards.

Finally, Hawai'i construction costs have skyrocketed over years. Mandating that Hawai'i homeowners accept artificially low constructor offers, or permitting developers to deploy ineffective solutions would leave homeowners without the funds needed to repair defects, placing them at risk.

I **OPPOSE** this anti-homeowner, pro-developer bill. It should never be allowed to become law.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:53:48 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noah Sebastian	Testifying for Bergeman Group	Oppose	Written Testimony Only

## Comments:

I oppose the HB420 HD3 bill that imposes an increased burden on homeowners. This proposed bill would place additional burdern on any homeowner pursuing compensation and remedies for contractor related failures. This proposed bill would add more time to the already slow resolution process and will add multiple procedural steps, increased financial burden due to limiting insurance related coverage needed to make necessary or immediate repairs, and the ability for contractors to justify or make partial repairs or settlements.

Adopting this proposed bill, would leave Hawaii homeowners with limited options in an already turbulent construcion market, to secure the needed funds for construction defect repairs that they did not create but have to live with.



Chad W. Karasaki, CPCU  
EVP - Managing Director  
Alliant Insurance Services, Inc.  
201 Merchant Street, Suite 2400  
Honolulu, HI 96813

[chad.karasaki@alliant.com](mailto:chad.karasaki@alliant.com)  
(808) 220-6059  
[alliant.com](http://alliant.com)

March 12, 2025

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

Subject: **Strong Support for HB420 HD3 – Relating to Remedies**

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

I appreciate the opportunity to submit this written testimony in strong support of HB420 HD3, which proposes vital reforms to the Contractor Repair Act.

My name is Chad Karasaki, and I serve as Managing Director at Alliant Insurance Services. Over the course of more than twenty years in Hawai'i's insurance industry, I have had the privilege of leading operations at several major brokerages, including acting as Chairman, CEO, and Resident Managing Director at Aon Risk Services, Inc. of Hawai'i. My background includes extensive work in hospitality, retail, construction and development, and public entities. This breadth of experience has given me a firsthand understanding of how construction defect litigation affects both the insurance market and the broader housing industry in our state.

The current environment for construction defect litigation has significantly escalated over the past decade. While only a handful of such cases were filed prior to 2010, the volume of litigation has since risen sharply. The majority of developers purchase coverage specifically to address construction defect claims, but only a small number of insurers in Hawai'i offer these policies. As litigation has increased, insurers have tightened their underwriting standards, which has resulted in marked increases in premiums, elevated deductibles (or retention rates), and lowered coverage limits.

Over the last two decades, insurance premiums for new housing projects have climbed nearly fivefold, with a typical condominium development today needing to allocate close to five percent of its total project costs toward insurance—more than double the rate from ten years ago. Retention rates have likewise grown from around five hundred thousand dollars to as much as two and a half million dollars. Meanwhile, coverage limits that once reached as high as one hundred million dollars for master-planned communities have been reduced to the twenty- to twenty-five-million-dollar range.

These trends are not limited to Hawai'i; however, our state feels the impact acutely because construction costs are high, developable land is scarce, and dense, multi-family, high-rise condominiums—the most affordable type of housing—are frequently at the center of construction defect litigation. Unchecked litigation and the resulting insurance pressures have real consequences for housing availability and affordability.

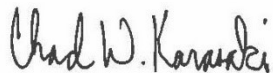
Developers often encounter limited coverage options and increasingly stringent underwriting requirements, which can deter smaller or less established companies from entering the market, resulting in reduced competition and fewer projects. At the same time, significantly higher deductibles require developers to maintain larger cash reserves—funds that could otherwise be directed toward building additional homes. Coupled with the uncertainty of future litigation expenses, these hurdles have driven many developers nationwide to focus on rental rather than for-sale housing. Should this trend continue in Hawai'i, it will inevitably diminish the supply of new, for-sale units, further amplifying the affordability challenges faced by local families.

I support the proposed reforms to the Contractor Repair Act in HB420 HD3. It will lead to a more balanced and collaborative framework for addressing construction defects and can help mitigate these threats to our housing market.

Meaningful reforms will create a more predictable environment, both for insurers who underwrite these risks and for the developers and homeowners who rely on adequate coverage and fair resolutions to disputes. Without these reforms, Hawai'i will likely face continued escalation in construction defect lawsuits and associated insurance costs, which jeopardizes our state's workforce and overall ability to provide affordable housing.

For these reasons, I respectfully urge you to pass HB420 HD3. Thank you for the opportunity to offer this written testimony, and I am available to answer any questions or provide additional insight if needed.

Regards,

A handwritten signature in dark ink that reads "Chad W. Karasaki". The signature is written in a cursive, slightly stylized font.

Chad W. Karasaki, CPCU  
Executive Vice President, Managing Director



March 12, 2025

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

RE: Strong Support for HB420 HD3- RELATING TO REMEDIES

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

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

I submit this testimony in strong support of HB420 HD3 and any recommended amendments 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 HD3 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 HD3 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 and we strongly urge you pass HB420 HD3 with any recommended amendments.

Ana Tuiasosopo,

Trustee/District Representative

International Union of Operating Engineers (IUOE) Local 3

March 11, 2025

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

RE: Strong Support for HB420, HD3 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee Members,

My name is Tianna Aliviado, and I am testifying in **strong support of HB420, HD3** because I know firsthand how well the construction defect resolution process can work when homeowners and homebuilders have the chance to work things out together.

After purchasing our first home in 2019, my husband and I discovered a significant leak in one of our bathrooms. I reached out to our homebuilder, Gentry, to tell them there was a problem and they needed to make it right. The customer service person I spoke with, and company representatives, didn't try to get out of it. They responded immediately, coming out to talk with me and inspect the leak and damage. They figured out the origin and everything that needed to be done to fix it and ensure that my new home still looked new when the work was done. Everything was fixed in less than a month.

Every step of the way, I was treated with respect and aloha. In fact, my experience with Gentry and the people who work there made me want to be a part of the company, as well. A short time later, I began working in customer service there because I know what a difference it can make for homeowners who are already frustrated to feel heard and for their concerns to be addressed.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. I am proof that the Contractor Repair Act, when implemented as it was intended, works. My homebuilder was responsive and cooperative, and our repairs were fixed in a timely manner.

**I respectfully urge the committee to pass HB420, HD3** because it provides a better process for homeowners to resolve alleged construction defects, and it is in the best interest of homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

**Tianna Aliviado**

‘Ewa



**HB-420-HD-3**

Submitted on: 3/12/2025 7:41:23 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dallas Walker	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair and Committee Members:

I am an attorney in Honolulu, Hawaii. I have not practiced in the realm of construction defects in a number of years. Still, I think I can shed some light on some of the issues with this measure. For the reasons below, I strongly oppose HB 420.

1. Limiting a claimant's recovery if they reject an offer to repair (from the same exact contractor who caused the defect in the first place) is a detrimental policy. No homeowner on Oahu would want this. This is a bullying tactic. If they do not accept the shoddy contractor's offer to repair, they have to risk having their recovery limited to what the court deems to be "reasonable."

2. Only allowing legal action regarding "material" violations of the building code means that contractors can get away with "smaller" violations. This will also lead to increased litigation over what constitutes "material" even under the definition provided in the measure.

3. Requiring each claimant in a class action to submit to an inspection might sound reasonable on the surface. However, it is a logistical nightmare. Many times defects are hidden in the walls, which need to be opened up. This provision will be used to bully Hawaii homeowners into waiving their rights. This provision is a wolf in sheep's clothing. The reasonable alternative would be to allow for an inspection of a sampling of units / houses.

Thank you for your attention to these matters.

Dallas Walker

Honolulu, Hawaii

### **HB-420-HD-3**

Submitted on: 3/12/2025 9:06:54 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryson R. Chow, Esq.	Individual	Oppose	Remotely Via Zoom

Comments:

**Chair, Vice Chair, and Honorable Members of the Committee,**

I write in **strong opposition to HB 420**, a bill that would **erode homeowner rights, shield negligent builders, and unfairly tip the scales of justice in favor of powerful developers and insurance companies** at the expense of Hawaii’s hardworking families.

Hawaii’s homeowners work their entire lives to afford a home—a place of safety, stability, and generational wealth. **HB 420 is a blatant giveaway to developers and insurers, stripping away the few protections homeowners have against faulty construction.**

### **Key Reasons to Reject HB 420:**

#### **1. HB 420 Rewards Bad Builders and Strips Homeowners of Justice**

- HB 420 imposes a **rigid 10-year cap** on contract and warranty claims, **even when a builder conceals defects** or issues warranties that extend beyond that period.
- This provision allows **dishonest developers to cut corners, hide defects, and wait out the clock**, knowing that homeowners will be left without legal recourse.

#### **2. An Attack on Class Actions: A Gift to Developers at the Expense of Homeowners**

- HB 420 **requires builders to inspect every single home** in class action cases. This is an **unprecedented delay tactic** that could stretch cases out for years, preventing homeowners from getting the justice they deserve.
- The **real intent** behind this provision is to **block homeowners from joining class actions**, forcing them to fight multi-billion-dollar developers **alone**—a battle most families cannot afford to fight.

#### **3. It Punishes Homeowners for Seeking Fair Compensation**

- HB 420 **penalizes homeowners** who reject an initial settlement offer, even if that offer is far less than the actual cost of repairs.
- This means homeowners who decline a **lowball** offer may later **be restricted in what they can recover**, forcing them to **pay out-of-pocket for defects they did not cause**.

#### **4. Weakening Enforcement of Building Code Violations Endangers Public Safety**

- HB 420 **limits lawsuits based on building code violations** to only those deemed “material.”
- This language **allows negligent builders to escape liability** for unsafe construction practices unless homeowners can prove immediate physical harm—a nearly impossible standard before defects fully manifest.

#### **HB 420 Will Lead to More Unsafe Homes in Hawaii**

Hawaii’s tropical environment already **accelerates construction defects** due to humidity, salt air, and extreme weather. **Weakening homeowner protections will only encourage developers to take shortcuts, knowing they can escape accountability.**

This bill would **shift the financial burden of shoddy construction from the developers who profit from it to the families who suffer from it.**

#### **Who Does HB 420 Benefit? Not Hawaii’s Families.**

It is no secret that Hawaii’s developers and insurance companies have **deep pockets and powerful lobbyists. HB 420 was written for them—not for the hardworking families who save for decades to afford a home.**

Legislators must **ask themselves a simple question:** Do you stand with Hawaii’s families, or do you stand with the developers who put profits over safety?

**I urge this committee to reject HB 420 and protect the rights of Hawaii’s homeowners.**

Thank you for your time and consideration.

March 14, 2025

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

**RE: Strong Support for HB420, HD3 – Relating to Remedies**

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee Members,

My name is Eric Reiny, and I am testifying in **strong support of HB420, HD3**. I am a homeowner who became a part of a class action lawsuit when there was nothing wrong with my house.

I began receiving communication in the form of mail and emails from our Homeowners Association about a lawsuit over an alleged defect in the construction of our home. Like most people, I ignored the messages, and assumed they would leave me alone. In reality, that isn't how these lawsuits work. In this case, instead of opting in, *you must opt out*. Because I did not actively communicate my desire to not be a part of this, I became part of this lawsuit whether I wanted to be or not.

Eventually, contractors showed up at my front door to inspect for so-called defects. They tore into my walls and siding, however, there was absolutely nothing wrong with my home. No rust, no defects, no problem. They made the "fix" anyway, and when it was done, my house did not look quite the same.

These class action lawsuits assume every home has a problem. My home did not have any problem or defect. Had my home been actually inspected ahead of time, it would have been clear that I and my home would not and should not have been part of the lawsuit. Basically, the homebuilder ended up paying to fix a non-existent problem in my home.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles. Lawsuits make everything more expensive and draw out the repair process.

**Please pass HB420, HD3** because it provides a better process for homeowners to resolve alleged construction defects, and it is in the best interest of homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

**Eric Reiny**

**HB-420-HD-3**

Submitted on: 3/11/2025 9:09:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Schultz	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Senate Committee on Commerce and Consumer Protection,

I am writing to strongly oppose H.B. No. 420, as I believe it puts corporate interests over the well-being of Oahu residents like myself. As a homeowner here, I'm concerned about the harmful impact this bill could have on our community.

H.B. No. 420 seems to favor large companies at the expense of local families. If passed, it could hurt many Oahu residents by making it harder for us to address construction defects and seek justice. Specifically, the bill would:

- Allow builders to inspect homes in class action lawsuits, potentially excluding homeowners and delaying justice.
- Set a 10-year limit on warranty claims, even if builders hide defects or offer warranties that last longer.
- Limit homeowners' ability to sue for building code violations.
- Punish homeowners for rejecting settlement offers that don't cover repair costs.

These changes would make it harder for homeowners to hold builders accountable and get the fair compensation they deserve. Given our tropical climate and the risks construction defects pose to safety, this bill could affect not only current residents but future generations as well.

I urge you to consider the long-term impact on our community and oppose H.B. No. 420. Let's work together to ensure that Oahu's residents come first, not corporate profits.

Thank you for your time and attention.

*Sincerely,*

*Linda Schultz*

March 11, 2025

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

RE: Strong Support for HB420, HD3 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee Members,

My name is Alvin Doi, and I am a homeowner testifying in **strong support of HB420, HD3**. I live in a community that was the subject of class action litigation, but there was nothing wrong with my home.

Several years ago, attorneys started coming into my community in 'Ewa and talking to our homeowners' association. The attorneys sent letters to all the homeowners asking us to allow them to come into our homes to investigate and look for problems in our foundation. I have friends who work in construction, so I asked them to come over and check out what these attorneys were talking about to see if there were any problems. There were no defects, no problem. My home was perfectly fine, so I told the attorneys to leave me out of it.

A lot of homeowners didn't know they could say no. Some people hear "class action" or "lawsuit" and think they will get money. But what a lot of people don't know is that these lawsuits can impact their ability to refinance or sell their home, even if there is absolutely nothing wrong with it. Because once a home is part of these lawsuits and repairs are made, the homeowners must tell prospective buyers, and financial institutions may say no to lending. I didn't want that for my house.

It took almost two years for all the work to be done in my community, and a lot of the homes that were "fixed" weren't even defective to begin with.

The Contractor Repair Act was originally designed to encourage cooperation between homeowners and builders, allowing defects to be identified and fixed without unnecessary legal battles, but I don't think the attorneys make that clear to homeowners, so homeowners don't know all their options and the negative effects a lawsuit can cause.

**I respectfully urge you to pass HB420, HD3** because it is in the best interest of homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

**Alvin Doi**

**LATE**

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

RE: Strong Support for HB420 HD23– Relating to Remedies

My name is Trisha Taketa, and I am submitting testimony in **strong support of HB 420 HD3**. I purchased a home in Mililani and later received a mailer that initially appeared to be a scam. After speaking with some neighbors, I learned that it was legitimate. The flyer claimed that my home had construction defects and that I could receive \$5,000 per violation.

Following the instructions on the mailer, I visited a website, submitted some basic information, and was informed that I qualified to be a part of a lawsuit. Shortly after, I received a check for \$5,000. However, at no point did I speak with an attorney that was handling the lawsuit, have my home inspected, receive verification of the alleged defects, or meet with anyone regarding necessary repairs. No contractor ever came to assess or fix these supposed issues.

Out of concern, I hired a plumber to begin fixing the so-called faulty brass connectors, only to discover that there were no defective connectors in my home. Despite completing the work, no one followed up to confirm the repairs or ensure the issue had been properly addressed.

This experience raises serious concerns about the integrity of these claims and the lack of oversight in how homeowners are included in lawsuits. I urge the legislature to strengthen protections for homeowners by ensuring that these cases involve proper verification and accountability.

Thank you for the opportunity to provide testimony, and I respectfully urge you to **pass HB 420 HD3**.

Thank you,

Trisha Taketa

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

A handwritten signature in black ink, appearing to read "Brent Allen".



**HB-420-HD-3**

Submitted on: 3/10/2025 5:20:55 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alex Kwon	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street  
Honolulu, HI 96813

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

Alex Kwon

President

Paradigm Construction LLC

**HB-420-HD-3**

Submitted on: 3/8/2025 8:43:03 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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I am testifying in **strong support of HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!



John Chen

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

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

March 11, 2025

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Gian Carlo Cristobal

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

Pamela J. Mullally

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I John Mendonca, am testifying in **strong support of HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!



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

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Michael Nojima



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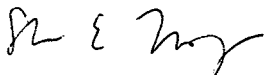
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**Sheryl E. Nojima**

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Hawai'i State Capitol  
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**Jon Rapisura**

*Jon Rapisura*

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**Guy Fukushima**

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Mahalo,

DeAnna Hayashi



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415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for **HB420 HD3** – Relating to Remedies

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

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

HB420 HD3 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass HB420 HD3 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!  
Vivyan Lin  
vivyan@kyinternational.com

**HB-420-HD-3**

Submitted on: 3/11/2025 8:51:54 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

Hello

I support HB420 to encourage homeowners to work directly with developers to remediate constructions issues.

Linda Mascaro

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

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Mahalo!

David Yoshida



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Mahalo!

Michele Murakami

[michele@kyinternational.com](mailto:michele@kyinternational.com)



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Mahalo!  
Pei Pei Chan  
peipeic@kyinternational.com



**HB-420-HD-3**

Submitted on: 3/11/2025 9:33:38 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

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Allan Taketa

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Robert S. Ofoia

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Mahalo,

Kealiiomana Keola

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Noah Kaaiai-Boner

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Russell Cabingas



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Roderick Delos Santos

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Kyle Haina

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Mahalo,

Quentin Early

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Darryl Duvauchelle

**HB-420-HD-3**

Submitted on: 3/11/2025 9:59:06 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Toby Hanzawa	Individual	Support	Written Testimony Only

Comments:

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Mahalo,

Federick Tamayo

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Loyce Morris



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Randall Aoki

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Sheldon S. M. Young

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Zhayden Lampitoc

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Ricky Jermaine Lameg

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Mahalo!

A handwritten signature in black ink, appearing to read 'Jarrett', with a long, sweeping horizontal line extending to the right.



The Honorable Jarrett Keohokalole, Chair  
and Members of the Commerce and Consumer Protection  
Hawai'i State Senate  
Hawai'i State Capitol  
415 S. Beretania Street  
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March 11, 2025

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John Oury

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Mahalo,

Jaycob Quemado-Smith

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Jerome Kupukaa

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Jerry Mayola

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Mikal Yonehara

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Jestin Barayuga

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Jonah Hamada



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Albijay Brillantes

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Mahalo,

Isaiah D.M. Reed



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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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Mahalo,

Scott C.L. Brede

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Sheldon Ajala

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Mahalo,

Allan Sildora, Jr.

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Mahalo,

Diggo Tabada

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Mahalo,

Jon Tai

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Mahalo,

Joshua Talon

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Mahalo,

Todd Baldwin



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Cody Villarin

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Best regards,

Robert Yoneoka, AIA

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Mahalo,

Willington Corpuz

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Judah Perez

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Nicholas Landford

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Mahalo,

Ronson Rarogal



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Glenn Alcalde

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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Aldrin Cabana

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Aaron Sige

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Samuel Kaimuloa

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Micah Soque

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Hailee Resuello

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Tevita Valikoula

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Mahalo,

Alvin Faumui



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Spencer Chock

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Nixon Atisanoe

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Mason Reyes



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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Arthur Chester Somera

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

Dane Mizusawa

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Kenneth Ramos

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Zach Atwood

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Mahalo!

**Vinyl Tech and Masonry, Inc.**

**Lynne Sokugawa**

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Mahalo,

Desmond Banglos



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Mahalo,

Dan Corrales, Jr.

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Mahalo,

Eleazar Jeffrey Bantillo

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Thomas Cabus-Lopes

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Joemelyn Adviento

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Kekona B. Salazar

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Andrew K. Amina

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Jerico Joshua Labosan

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Rayden Pagaridan



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Perfecto D. Labrador

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

John Raquind

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

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Kaipo Santa Elena

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Hawai'i State Senate  
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Mahalo,

Jay Jacal

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



The Honorable Jarrett Keohokalole, Chair  
and Members of the Commerce and Consumer Protection  
Hawai'i State Senate  
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415 S. Beretania Street  
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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Kalikiano Libokmeto

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support of HB420 HD3.**

Everyone would agree that there is a housing shortage in Hawai'i. And no one would disagree that new houses built should be safe, without construction defects. But what we can't agree upon is what we should do when there are imperfections in a new house built by a developer.

The current solution is not sustainable if we want to continue building affordable houses for new homeowners. The UHERO study found that Gentry settled a class action lawsuit for \$90 million in 2017 with \$54 million going to repairs and \$36 million to attorneys. That was in 2017, with inflation, cost of labor and supplies the amount would be much larger in 2025. These additional expenses will have to be passed on to the prospective buyer. Are these necessary expenditures? No one is saying that repairs should not be done, of course corrections must be made. But without a class action lawsuit as the first course of action.

There is a better and more economically efficient way to solve these problems. The pre-litigation measures proposals in HB 420 HD3 are a step in the direction to cut out costly waste. Legitimate problems have a chance to be addressed without the expense of class action lawsuits that we have had in the past.

DR Horton delayed building their permitted 800 homes at Ho'opili because these homes would be pulled into an existing class action lawsuit. It has gone through city review and had been approved. After a long delay with design modifications and re-permitting process, these homes are now under construction. However, the cost of these homes is more than originally projected. Everything has since gone up — labor and materials. HB 420 HD3 would prevent a future issue like this.

As much as we would prefer that construction defects did not exist, it happens. It even happens in the homes built by individuals with their own private contractors. You do not see many attorneys filing lawsuits against these small contractors. Mainland attorneys team up with local Lawyers to go after big developers because of the supposed deep pockets and not because of the quality of their product. But it is these developers who build hundreds of homes that help ease the housing shortage and make the playing field level so that lawsuits are not the first option. HB 420 HD3 would give the homeowner another choice. It should also reduce the costs of homes for future homeowners.

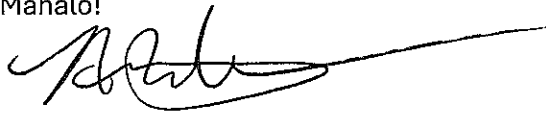
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I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

A handwritten signature in black ink, appearing to read 'Henry T Y Kwok', with a long horizontal flourish extending to the right.

Henry T Y Kwok, AIA

[henry@kyinternational.com](mailto:henry@kyinternational.com)

**HB-420-HD-3**

Submitted on: 3/11/2025 5:02:44 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brooke L Garcia	Individual	Oppose	Written Testimony Only

## Comments:

As a homeowner, I expect my rights to be protected against builder defects. I very strongly oppose HB 420. I work hard and have put a lot of money into my home expecting that it will be a safe place for my family to live. I do not want to have to worry about any defects that may potentially cause safety risks to my family and community. I trusted D R Horton when purchasing my property and am really disappointed hearing that they used materials that will rust. These companies should not cut corners when building homes that can potentially jeopardize the safety and health of communities. If this bill is passed then owners will not be protected to have class actions represent the claims that are too expensive for individual homeowners. Please consider the community when looking at this bill and how it can hurt the individuals in the community.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:08:27 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
jirui yang	Individual	Oppose	Written Testimony Only

## Comments:

As a homeowner who owns a home built by DR Horton, I have had to conduct multiple repairs and maintenance to my house at my own cost, which has brought a lot of stress to me and my life quality. Thus, I am here to oppose this bill to pass as I believe it is harmful to homeowners even more and brings no improvement in the quality of life to homeowners.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:17:26 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremie Evangelista	Individual	Oppose	Written Testimony Only

## Comments:

I oppose HB420 because I believe that enacting HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangers defects they can't afford to repair.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:20:56 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janadyan cabico	Individual	Oppose	Written Testimony Only

## Comments:

I am in OPPOSITION of this bill. This bill says homeowners who have purchased a home from a contractor and don't know about defects BEHIND & INSIDE YOUR WALLS, UNDER SINKS, UNDER TUBS, UNDER YOUR FLOORS ... if anything goes wrong, even if you're the VERY FIRST owner, but it's past the 1 year then the homeowner is held liable.

Sir/Maam, I would like you to please listen to my story/NIGHTMARE that my family and I are CURRENTLY going through. September 2024, my downstairs neighbor informed me that there was water damaged to his unit because of something from my unit. We had restoration people come out to assess, 2 ac plumbers also came out to assess & then DR Horton sent out ANOTHER ac plumber to assess the situation. All 3 ac plumbers (this INCLUDES DR Hortons ac plumber) said it was due to faulty install & improper installation of insulation of our ac unit in our children's room. DR Horton came back and said "no, we will not be at fault or held responsible/accountable for anything or any damages that have incurred." Basically a You live there you fix it, ordeal. Sir/Maam, I nor my husband, nor anyone we "hired" other then DR Horton to install our ac units into our home when we were purchasing our home. Like I said we are the first owners and I don't feel it's fair that we pay for something that we didn't install, DR Horton has installed. If you pass this bill, that means that my husband and I will be held accountable for the damages to both our home and our neighbors property, even though we had NOTHING to do with the damages.

Please, I beg you, do NOT pass this bill. You're allowing CROOKS to get away with THEFT !! We paid GOOD MONEY for our homes, PLEASE HELP US !!!

Sincerely,  
Janadyan Cabico

**HB-420-HD-3**

Submitted on: 3/11/2025 5:29:15 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Viktor Savchenko	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair, Vice Chair and Members of the Committee,

I am writing to express my strong opposition to HB420 HD3. As a homeowner affected by construction defects, such as rusting components in homes built by Dr. Horton, I believe this bill places unfair burdens on homeowners seeking legal recourse for defective construction.

HB420 HD3 significantly weakens protections for homeowners by imposing stricter requirements on filing claims for construction defects. By requiring claimants to provide detailed evidence and limiting legal actions based on a "material violation" standard, this bill raises unnecessary barriers for homeowners who may not have the financial or technical means to document their claims to the extent required. Additionally, restricting claims based on a contractor's "reasonable offer" to repair or settle unfairly shifts the burden to homeowners, potentially forcing them to accept substandard repairs.

Moreover, the changes to the statute of repose effectively limit the timeframe in which homeowners can hold builders accountable. This is particularly concerning for defects that may take years to manifest, such as rusting structural components or foundational issues. The bill also appears to favor contractors by reducing their liability while making it more difficult for homeowners to join collective legal actions.

The legislation should focus on strengthening consumer protections and ensuring that homeowners have adequate time and resources to pursue claims against negligent builders. Instead of limiting homeowner rights, the legislature should consider measures that improve contractor accountability and transparency.

For these reasons, I strongly urge the committee to reject HB420 HD3 and instead pursue legislation that protects homeowners from construction defects and ensures fair recourse.

Thank you for your time and consideration.



**HB-420-HD-3**

Submitted on: 3/11/2025 5:30:13 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Latanya Edwards	Individual	Oppose	Written Testimony Only

Comments:

Hello,

About 2 years ago, my husband and I bought our first home. I grew up here and my husband fell in love with this place. We saved and planned for our home, and we are so grateful to be the first our generation in our families to do so.

I am against this bill because I feel that it takes away my protections as a homeowner. When people do wrong there are and should be consequences. This bill takes away my right to use the court system to protect my home from current and future defects as the result of faulty construction and/or violations of building codes, etc.

Under this bill, on top of paying my mortgage, insurance, HOA fees, taxes, and the high costs of living in Hawaii, I would need to find more money to fix issues not cause by me but instead by an entity that didn't do it right the first time. How is that fair to me? How is that justice?

I have witnessed first hand some of the construction defects that are complained about - cracking ceilings, improper "screw and bolts" used during building. I personally had a class action inspection and there were issues found, not just in my unit, but in pretty much the whole development. My home is at risk of future damage. I am the one at risk of not having insurance cover expenses in the event something goes wrong. I am at risk of not having a home...when I did nothing wrong but trust people to do their jobs.

Now I understand, that not all complaints are justified. But that should be up to a court to decide. I'm not saying that the builders should automatically be on the hook. What I am asking for is that I am allowed my day in court. Class action lawsuits allow a person, with limited means to have their voices heard. It allows us to pursue justice and fairness without going broke. It is not right that large corporations can come in, do what they want, and the people they are serving are left to clean up the mess, and are told they can't say or do anything about it. People who have overcome the odds to be able to buy a home here, deserve to have it protected.

**Ryan Hill**

1283 Kukulu Street  
Kapolei, HI 96707  
hill.ryant@gmail.com  
March 11, 2025

**Hawaii State Legislature**

House of Representatives  
Committee on [Relevant Committee Handling HB420 HD3]  
Hawaii State Capitol  
415 S Beretania St  
Honolulu, HI 96813

**Subject: Testimony in Strong Opposition to HB420 HD3**

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

My name is **Ryan Hill**, and I am a **Permanent and Total Disabled Combat Veteran** who has proudly served this country. I am writing today in **strong opposition** to HB420 HD3, which unfairly shifts the burden of construction defects onto homeowners while shielding negligent developers like DR Horton from accountability.

As a Veteran, I have lived by the principles of **honor, integrity, and accountability**—principles that this bill directly undermines by allowing large developers to evade responsibility for defective construction, including **critical structural issues such as faulty hurricane straps**. For many of us, a home is more than just an investment; it is our safe haven, the foundation of stability for our families. We trusted builders to deliver homes that were safe and built to code, yet this bill makes it nearly impossible for homeowners to seek justice when those builders fail us.

**How HB420 HD3 Harms Homeowners and Veterans Like Me****1. Shortens the Timeframe for Justice**

- By establishing a **10-year statute of repose**, this bill effectively **closes the door on claims before many homeowners even discover defects**—particularly issues like faulty hurricane straps, which may not be apparent until the home is tested by a storm.

**2. Makes It Nearly Impossible to File a Claim**

- Homeowners must now provide **detailed, expert-backed evidence upfront**, a costly burden that many, especially disabled Veterans and retirees on fixed incomes, **cannot afford**.

### 3. Prevents Class-Action Lawsuits

- This bill forces each homeowner to go through a **complex and costly individual claims process**, blocking them from joining together to hold major developers accountable.

### 4. Lets Builders Lowball Homeowners with “Take-It-or-Leave-It” Settlements

- If a homeowner rejects what the contractor deems a "reasonable offer," they are **barred from recovering full repair costs**—even if the defect is much worse than initially assessed.

### 5. Prioritizes Developers Over the People Who Serve This Country

- Many Veterans, including myself, have used VA loans or hard-earned retirement savings to buy homes. It is **outrageous** that we should have fewer protections than the wealthy corporations who knowingly built defective homes.

## Veterans and Homeowners Deserve Protection—Not Exploitation

I served this country honorably, and I expected to come home to a place where **justice is served fairly**. This bill is a **betrayal of the trust homeowners placed in both the builders and the state**. It rewards negligence and forces families, Veterans, and retirees into financial ruin while corporate developers walk away untouched.

I urge you to **stand with homeowners, not developers**, and **vote NO on HB420 HD3**. The people of Hawaii deserve a law that protects them, not one that shields those who cut corners and build unsafe homes.

Thank you for your time and consideration.

**Respectfully,**

Ryan Hill  
Permanent and Total Disabled Combat Veteran

**HB-420-HD-3**

Submitted on: 3/11/2025 5:33:20 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jared schmid	Individual	Oppose	Written Testimony Only

## Comments:

I am a home owner in Ho'opili. Since I have moved in, we have had numerous issues with our building construction and many others have also. If this bill passes, it will protect the builder and forego my rights as an owner. Don't let home builders not do their job and put more restrictions on the home buyer! These builders need to do their job right thing and manufacture homes that are livable and stop trying to quickly produce to make profit.

If the home builders are not held responsible for their work, then why let them build? These builders should be proud of their work and not try to push out bills to hide behind.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:47:59 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

## Comments:

I believe that HB 420 would only benefit builders and risk harm to homeowners. I oppose HB420 and urge you to vote against this bill because of the following reasons.

1. Builders should not be required to inspect every single home in a class action lawsuit.
2. A ten year time limitation for contract and warrant claims are unfair for homeowners.
3. Limitations for homeowners to pursue lawsuits for building code violations are unfair.
4. Punishing homeowners for not taking early settlement offers is unfair.

I believe that enacting HB 420 encourages builders to cut corners by limiting homeowner rights in construction defect litigation. Builders should be held accountable for home building defects and homeowners should not have to pay for serious construction defects from their own money.

Sincerely,

John Pai

**Brenda Hill**

1283 Kukulu Street

Kapolei, HI 96707

ptipfitness@gmail.com

March 11, 2025

**Hawaii State Legislature**

House of Representatives

Committee on [Relevant Committee Handling HB420 HD3]

Hawaii State Capitol

415 S Beretania St

Honolulu, HI 96813

**Subject: Testimony in Strong Opposition to HB420 HD3**

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

My name is **Brenda Hill**, and I am writing in **strong opposition** to HB420 HD3. I am the **spouse of a Permanent and Total Disabled Combat Veteran**, and together, we own a home that we worked hard to provide for our family. Like many homeowners in Hawaii, we trusted developers to build a structurally sound home, yet **this bill rewards negligence and makes it nearly impossible for homeowners like us to hold builders accountable for dangerous construction defects.**

As a military spouse, I have stood by my partner through **the sacrifices of service**, multiple deployments, and the lasting effects of combat. Our home is supposed to be **our place of security and stability**, but this bill takes that away by protecting **big developers like DR Horton** at the expense of families who have already given so much to this country.

**HB420 HD3 is a Direct Attack on Homeowners and Families****1. It Protects Negligent Builders, Not Homeowners**

- By imposing a **10-year statute of repose**, the bill **prevents many homeowners from ever getting justice**, especially for hidden structural defects like faulty hurricane straps that may not be discovered until disaster strikes.

**2. It Creates Financial Hardships for Families Like Ours**

- The bill **forces homeowners to provide costly expert evidence upfront**, something many military families, retirees, and fixed-income households **cannot afford.**
- For a family like ours, with a Veteran on disability, the financial burden of proving a case is simply **unfair and unattainable.**

### 3. It Takes Away Our Right to Join Class-Action Lawsuits

- Developers like DR Horton built thousands of homes in Hawaii—many with **known construction defects**.
- By **forcing each homeowner to go through an individual claims process**, the bill **deliberately weakens our ability to fight back**.

### 4. It Pressures Homeowners into Accepting Lowball Settlements

- If a homeowner **rejects a settlement offer**, their **repair costs are capped**, even if the defect turns out to be more serious than originally assessed.
- This **unfairly benefits developers** while forcing homeowners to either accept **inadequate repairs** or risk being financially devastated.

## As a Military Family, We Expected Better From Our Leaders

Our family has sacrificed for this country, and we expected to live in a place where **laws protect the people—not corporate interests**. But HB420 HD3 is a **betrayal of homeowners, Veterans, and their families**.

Hawaii's leaders should be working to **hold developers accountable** for defective homes, not passing laws that help them escape responsibility. Families like mine do not have the money, legal teams, or political connections that developers do—but we have **the right to safe, well-built homes**.

I urge you to **do the right thing** and **vote NO on HB420 HD3**. Protect the homeowners, not the corporations.

Thank you for your time and consideration.

**Respectfully,**

Brenda Hill

Spouse of a Permanent and Total Disabled Combat Veteran  
Homeowner

**HB-420-HD-3**

Submitted on: 3/11/2025 5:53:47 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Dela Cruz	Individual	Oppose	Written Testimony Only

## Comments:

Paying a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects;

Concerns that serious construction defects pose life and safety risks to homeowners, their families, and their communities;

Worrying that construction defects are too expensive for individual homeowners to repair on their own;

Taxpaying homeowners deserve an even playing field for construction defect claims against builders;

Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and

Class actions help lots of owners band together on claims that they would not be able to pursue on their own



**HB-420-HD-3**

Submitted on: 3/11/2025 5:54:21 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

My family and I own a home in Hoopili.

Since we have moved in, we have had numerous issues with our building construction and throughout the community. These builders need to be held accountable and not trying to hide behind a new bill they are trying to push out.

There shouldn't be more restrictions put on the home buyers because the builders aren't doing their job right.

**HB-420-HD-3**

Submitted on: 3/11/2025 5:59:41 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Ferriman	Individual	Oppose	Written Testimony Only

Comments:

Testimony Opposing HB 420

Aloha,

I am writing as a homeowner who strongly opposes HB 420. This bill would make it harder for people like me to hold builders accountable for construction defects, and that's not fair. When I bought my home, I expected it to be built to last. If there are serious issues, I should have the right to take legal action without unnecessary roadblocks.

Here's why I oppose this bill:

- It makes lawsuits take longer and could leave homeowners out. HB 420 would let builders inspect every single home in a class action, which could delay things for years and even prevent some homeowners from joining the case. That's just another way for builders to avoid responsibility.
- It limits how long homeowners can take action. Even if a builder knowingly hides defects, this bill sets a strict 10-year deadline for claims. That means if a problem doesn't show up right away, we could be out of luck.
- It weakens building code protections. If a home isn't built up to code, homeowners should be able to do something about it. This bill takes away some of that power.
- It pressures homeowners into unfair settlements. HB 420 punishes homeowners for rejecting early settlements that might not even cover the cost of repairs. That's not right—we should have the chance to fight for what's fair.

Homeowners spend a lot of money on their homes, and we deserve protections when things go wrong. HB 420 only helps builders and leaves families like mine paying the price for their mistakes. I urge you to vote against this bill.

Sincerely,

Randy

**HB-420-HD-3**

Submitted on: 3/11/2025 5:59:53 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christian Abbott	Individual	Oppose	Written Testimony Only

Comments:

I believe the amendments in HB 420 are anti-consumer, would benefit only builders and risk harm to homeowners.

**HB-420-HD-3**

Submitted on: 3/11/2025 6:04:17 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Legwen IV	Individual	Oppose	Written Testimony Only

## Comments:

I believe it is harmful to have large corporations push this bill forward to change the limitations on class action lawsuits and limitations to 2 years if defects are found. The homeowners should be allowed to pursue class action lawsuits with other homeowners against them for any major defects or construction since there are so many financial strong arm tactics that large corporations are able to utilize to make submitting lawsuits individually problematic or impossible. There is a rampant problem with companies trying to cut corners and take shortcuts when constructing single family homes, townhomes, and condos due to cost cutting and the rush to complete these as quickly as possible for monetary gain. I believe that the state of Hawaii represents the local community moreso than other states due to its large tropical and environmental footprint and was a large reason why I decided to purchase a home here. I hope that the legislation can continue supporting individuals who decide to make Hawaii home, and that they don't become like many other states and counties that quickly build large swaths of homes with little concern given to any construction defects or home problems. Please consider the voice of individual homeowners who strongly oppose this bill that seeks to create another barrier to them over the corporations and representatives who seek to pass this bill quickly and quietly.

**HB-420-HD-3**

Submitted on: 3/11/2025 6:09:55 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Motohide & Emi Koyano	Individual	Oppose	Written Testimony Only

Comments:

oppose HB 420

**HB-420-HD-3**

Submitted on: 3/11/2025 6:11:49 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleilehua Timario	Individual	Oppose	Written Testimony Only

Comments:

I **believe** as a HOMEOWNER PAYING A LOT OF MONEY OVER A VERY LONG PERIOD OF TIME, I **deserve** as a HOMEOWNER FAIR ACCESS TO THE COURTS TO PROTECT MY HOME AGAINST BUILDER DEFECTS. I have seen SERIOUS CONSTRUCTION DEFECTS during the inspection of the class action inspection of MY OWN HOME. These SERIOUS CONSTRUCTION DEFECTS POSE LIFE AND SAFETY RISK CONCERNS TO MYSELF AS A HOMEOWNER, MY FAMILY AND OUR COMMUNITY. I worry that SERIOUS CONSTRUCTION DEFECTS OF THIS MAGNITUDE are too EXPENSIVE FOR INDIVIDUAL HOMEOWNERS TO AFFORD ESPECIALLY AFTER PAYING TOP DOLLAR TO THE BUILDER FOR THIS HOME. As a taxpaying homeowner, I deserve an even playing field to file construction defect claims against BUILDERS because Hawaii's tropical environment make Hawaii's homes and their homeowners more vulnerable to construction defects when BUILDERS CUT CORNERS and class actions help lots of homeowners band together on claims that they would not be able to pursue on their own. I STRONGLY OPPOSE HB 420.

**HB-420-HD-3**

Submitted on: 3/11/2025 6:13:32 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elaine Brown	Individual	Oppose	Written Testimony Only

## Comments:

I oppose HB420. In Hawaii we pay a lot of money for a home over a long period of time. We as homeowners deserve full, fair access to the courts to protect their homes against builder defects. Currently I am worried that my own home may have serious construction defects in the foundation components that are rusting. I am awaiting inspection of my home, however several homes in my area have been found to have these rusting foundation components. These serious construction defects pose life and safety risks to myself, my family and my community. I am worried that with the proposed bill that the construction defects will be too expensive for individual homeowners to repair on their own. We as taxpaying homeowners deserve an even playing field for construction defect claims against builders. Our

tropical environment makes homeowners more vulnerable to construction defects when builders cut corners and Class actions help lots of owners band together on claims that they would not be able to pursue on their own.



**HB-420-HD-3**

Submitted on: 3/11/2025 6:17:52 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Lindstrom	Individual	Oppose	Written Testimony Only

## Comments:

Land in Hawaii is a precious resource. Homes should be build with quality and pride and not for builders to cut corners to increase profit margins. Residents of Hawaii, who are lucky to be able to own their home, should not be punished by builders or contractors for their shortsighted plans or decisions to reduce costs by purchasing cheap and questionable materials. I believe the state is in a position to help its people by denying these builders/contractors an avenue to prolong the issue or push these problems back on the homeowner. Delays in resolving known problems may compound over time which will only hurt homeowner and not the Builder/Contractors. This bill is just another way for builders to justify profits over quality as well as allow them to advertise over false pretense to ensure they can sell for a premium.

I have a cracked shower insert that was found and reported to the builder through their warranty claims site during the initial year warranty. The builder has ignored my request and delayed the response to beyond the year warranty and now it is my responsibility as an owner to repair the crack. This isnt uncommon with builders and many examples can be found with a basic google search on what homeowners experience with builders and how they handle 1 year warranty claims.

I write this in opposition with hope that this committee will understand that this bill is just a ploy to allow the builders and contractors to save their profit margins at the expense of the homeowner.

Thank you for your time.

Andrew

# Testimony in Opposition to HB 420

*Submitted by Tiffany Scott*

Aloha, esteemed members of the Hawaii State Legislature,

My name is Tiffany Scott, and I am a homeowner in the Ho'opili Kohina development. I am submitting this testimony in strong opposition to HB 420, as it threatens to undermine the rights of homeowners like myself who have experienced serious defects in our properties after purchase.

When I invested in my home, I did so with the expectation that it would be built with quality craftsmanship and meet basic standards of safety and durability. Unfortunately, I--like many others--have encountered significant construction defects that have led to costly repairs, safety concerns, and ongoing stress. These defects, which include structural deficiencies and other major issues, should not be the sole responsibility of homeowners to fix.

HB 420 creates additional barriers for homeowners seeking justice through class-action lawsuits, limiting our ability to hold developers accountable for subpar construction. As an individual homeowner, it is incredibly difficult to take on large development companies with vast legal resources. A class-action lawsuit provides a necessary avenue for collective action, ensuring that all affected homeowners have a fair chance to seek remediation.

Denying homeowners access to class-action litigation would not only be unjust but would also set a dangerous precedent, allowing developers to continue cutting corners without consequences. Protecting consumer rights should be a priority, and weakening legal recourse only benefits developers at the expense of hardworking families who trusted in the integrity of their home purchases.

I urge you to oppose HB 420 and stand with homeowners who deserve safe, well-constructed homes and the ability to seek justice when those expectations are not met.

Mahalo for your time and consideration.

Tiffany Scott

Ho'opili Kohina Homeowner

**HB-420-HD-3**

Submitted on: 3/11/2025 6:23:39 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Benson	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street  
Honolulu, HI 96813

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai‘i’s already strained housing market is not made even more inaccessible.

Hawai‘i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

dbb

**HB-420-HD-3**

Submitted on: 3/11/2025 6:35:27 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kunimasa Suzuki	Individual	Oppose	Written Testimony Only

## Comments:

- Paying a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects;
- Your own experience seeing serious construction defects during class action inspections on your own home;
- Concerns that serious construction defects pose life and safety risks to homeowners, their families, and their communities;
- Worrying that construction defects are too expensive for individual homeowners to repair on their own;
- Taxpaying homeowners deserve an even playing field for construction defect claims against builders;
- Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and
- Class actions help lots of owners band together on claims that they would not be able to pursue on their own

**HB-420-HD-3**

Submitted on: 3/11/2025 6:49:22 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Shibata	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Senate Committee on Commerce and Consumer Protection,

I am writing to express my strong opposition to HB 420, a bill that would severely limit homeowners' rights in construction defect cases and shift legal advantages toward developers and builders at the expense of consumers. As a homeowner in Hawai'i, I am deeply concerned that this bill weakens protections for families who invest their life savings into a home, only to find themselves unable to seek fair remedies for construction defects.

**HB 420 Favors Builders While Hurting Homeowners****1. Restricts the Timeframe to Hold Builders Accountable**

- The bill imposes a strict 10-year limitation on construction defect claims, even if a builder conceals defects or issues a warranty beyond 10 years.
- Many defects—especially those related to structural integrity and environmental conditions—are not immediately visible and take years to emerge. Homeowners should not be denied their right to seek compensation simply because defects appear later.

**2. Forces Homeowners into Lengthy Inspections, Delaying Justice**

- HB 420 allows builders to inspect every home before litigation moves forward, a process that could add years of delays to legal proceedings.
- This provision puts homeowners at a disadvantage, as delays often pressure families into accepting lowball settlements rather than enduring extended litigation.

**3. Weakens Consumer Protection Against Building Code Violations**

- By limiting lawsuits to only “material violations” that cause immediate harm, this bill lets builders off the hook for serious but long-term code violations.

- Homeowners should have the right to hold builders accountable for all code violations, not just those meeting a narrow legal definition.

#### 4. Unfairly Punishes Homeowners for Rejecting Early Settlements

- HB 420 caps homeowners' compensation at the value of the builder's initial settlement offer, even if repairs later prove to be more expensive.
- This provision forces homeowners to accept settlements under pressure, fearing financial penalties if they reject a low offer.

#### 5. Makes Class Actions Harder to Join, Weakening Collective Consumer Rights

- The bill forces every homeowner to go through new notice and inspection processes before joining a class action.
- These additional barriers could exclude homeowners who lack legal knowledge or resources, weakening class actions and favoring developers.

### HB 420 Will Hurt Hawai'i Homeowners in the Long Run

Hawai'i's homeowners already face high living costs and housing challenges. This bill would tilt the legal playing field in favor of developers while leaving families with limited options for justice. Instead of restricting homeowner rights, the Legislature should be strengthening consumer protections to ensure that builders deliver safe, high-quality homes.

For these reasons, I strongly urge the committee to reject HB 420 and stand with homeowners, not corporate developers.

Thank you for your time and consideration.



**HB-420-HD-3**

Submitted on: 3/11/2025 6:58:06 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
NICOLE VAZQUEZ	Individual	Oppose	Written Testimony Only

Comments:

Dear Senate Committee on Commerce and Consumer Protection,

Subject: Opposition to H.B. No. 420

I am writing to express my strong opposition to H.B. No. 420, which I believe prioritizes profit over the well-being of the citizens of our great Aloha State. As a homeowner on the Island of Oahu, I am deeply concerned about the negative impact this bill will have on our community.

H.B. No. 420 appears to favor the interests of a billion-dollar company at the expense of local residents. This bill, if passed, will undermine the quality of life for many families and individuals who call Oahu home. It is imperative that our legislature prioritize the needs and welfare of its citizens over corporate profits.

Specifically, H.B. No. 420 would:

1. Allow builders to inspect every single home in class action cases, which could exclude homeowners from class actions and cause massive delays of years in litigation;
2. Impose a 10-year time limitation on contract and warranty claims, even if a builder conceals defects or issues a warranty for longer than 10 years after completion of construction;
3. Limit homeowners' ability to pursue lawsuits for certain building code violations; and
4. Punish homeowners for not taking early settlement offers that may not be enough money for repairs by the time the lawsuit is over.

These provisions will significantly disadvantage homeowners and protect builders from accountability. Taxpaying homeowners deserve an even playing field for construction defect claims against builders. The potential consequences of this bill include prolonged litigation, restricted legal recourse for concealed defects, and insufficient settlements for necessary repairs.

Moreover, serious construction defects pose life and safety risks to homeowners, their families, and their communities. Such outcomes will not only affect current residents but also future generations who deserve to inherit a thriving and sustainable community.

I urge you to consider the long-term implications of H.B. No. 420 and to stand with the people of Oahu by opposing this bill. Our community's well-being should be the primary concern, and I

believe that together, we can find solutions that support both economic growth and the quality of life for all residents.

Thank you for your attention to this matter. I hope you will take my concerns into consideration and vote against H.B. No. 420. I look forward to your response and to seeing our community's interests protected.

Sincerely,

Nicole Vazquez

### **HB-420-HD-3**

Submitted on: 3/11/2025 7:04:57 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dari Ann Egdamin	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Senate Committee on Commerce and Consumer Protection,

I'm writing to ask you to vote **against** House Bill 420 (HB 420). As a homeowner in Hawai'i, I'm really concerned that this bill makes it harder for people like me to hold builders accountable when our homes have serious defects. Instead of protecting homeowners, HB 420 seems to protect builders at our expense.

Owning a home in Hawai'i is an enormous accomplishment. Housing costs here are among the highest in the country, and for many of us, buying a home represents years of hard work, sacrifice, and financial struggle. The home we worked so hard to finally purchase—and continue to work for every month just to pay the mortgage—should reflect the quality and craftsmanship promised by its builders. When defects arise due to poor construction, homeowners deserve the right to hold builders accountable.

Here's why I think this bill is a bad idea:

1. **It slows down class action lawsuits** – The bill would let builders inspect every single home in a class action case. That could take years and make it nearly impossible for homeowners to get justice.
2. **It limits warranty claims** – Even if a builder hides a defect or gives a warranty longer than 10 years, this bill would cut off homeowners from filing a claim after 10 years. That's just not fair.
3. **It weakens protections against unsafe building practices** – HB 420 makes it harder for homeowners to sue over building code violations, which could leave people living in unsafe conditions with no real options.
4. **It pressures homeowners into bad settlements** – The bill punishes homeowners if they don't take early settlement offers, even if those offers won't cover the real cost of repairs. That's not justice.

As someone who has invested so much into my home, I want to know that I can rely on the legal system if something goes wrong. Construction defects can be expensive and even dangerous, and homeowners shouldn't be left to deal with them alone. Hawai'i's climate already makes homes more vulnerable to damage, and we need **stronger** protections for homeowners, not weaker ones.

Please do the right thing and **oppose HB 420**. Homeowners should have a fair shot at justice when builders cut corners. Thank you for your time and for listening to people like me who just want to protect our homes and families.

Sincerely,  
Dari Ann Egdamin

**HB-420-HD-3**

Submitted on: 3/11/2025 7:06:16 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ERIC CHOI	Individual	Comments	Written Testimony Only

Comments:

I believe that enacting HB 420 risks incentivizing builders to cut corners by limiting our basic rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, most of the Working-class Hawaiian would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangers defects they can't afford to repair.

## **Testimony in Opposition to HB420**

I oppose HB420 as I believe it unfairly limits my rights as a Hawaiian homeowner and unfairly advantages home builders.

For most homeowners, their most valuable asset is their home. This is especially true in Hawaii where the cost of houses is so high. To make matters worse, Hawaii's tropical climate is particularly hard on homes and it's incumbent that builders take environmental conditions into account when choosing construction materials—especially when such materials may not be easily visible such as hurricane straps. It may take a considerable time for a homeowner to become aware of substandard construction materials—and an arbitrary time limit for builder liability is unfair to the homeowner. If the materials were substandard when initially installed, then they are still substandard no matter how long it takes for them to be discovered and the builder should be responsible for replacing or repairing substandard materials.

The shortage of housing in Hawaii also makes it very tempting for builders to cut corners, especially when such corners are not visible. If builders don't want to be sued they should take into account the environmental conditions and choose the best materials for that locale and not the cheapest.

Many, if not most, homeowners can't afford to repair construction defects on their own and in Hawaii this is made even more problematic—especially on the neighbor islands—because of the lack of easily accessible materials and appropriate repair professionals. It's only through class action lawsuits that most homeowners are able to get the attention of and action by builders who refuse to recognize existing deficits.

I strongly encourage you to recognize the needs of your constituents and reject HB420.

Mahalo!

**HB-420-HD-3**

Submitted on: 3/11/2025 7:12:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barry Ling	Individual	Oppose	Written Testimony Only

Comments:

I believe that enacting HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangerous defects they can't afford to repair.

**HB-420-HD-3**

Submitted on: 3/11/2025 7:17:47 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Love Vazquez	Individual	Oppose	Written Testimony Only

## Comments:

Love Vazquez  
1020 Kakala Street #1404  
Kapolei, HI 96707  
love.williamson@gmail.com  
808-397-9420  
11 March 2025

Dear Senate Committee on Commerce and Consumer Protection,

Subject: Opposition to H.B. No. 420

I am writing to convey my strong opposition to H.B. No. 420, a bill that I believe prioritizes corporate interests over the welfare of the residents of our beloved Aloha State. As a homeowner on the Island of O'ahu, I am deeply troubled by the potential adverse effects this legislation could have on our community.

H.B. No. 420 seems to favor the objectives of a billion-dollar company at the expense of local citizens. If enacted, this bill will significantly diminish the quality of life for numerous families and individuals residing on Oahu. It is crucial that our legislature places the needs and interests of its people above corporate profits.

Specifically, H.B. No. 420 proposes to:

1. Allow builders to inspect each home involved in class action lawsuits, which could lead to homeowners being excluded from these actions and result in significant delays in litigation;
2. Impose a 10-year limit on contract and warranty claims, even if builders hide defects or issue warranties that extend beyond 10 years after the construction is completed;
3. Limit homeowners' ability to initiate lawsuits for specific building code violations; and
4. Punish homeowners for rejecting early settlement offers that may not be adequate to cover repair costs by the time the lawsuit is resolved.

These measures would place homeowners at a considerable disadvantage and shield builders from accountability. Taxpaying homeowners deserve an equitable chance to address construction defect claims against builders. Class actions are vital as they enable numerous owners to



collectively pursue claims that would be unfeasible individually, especially given the high costs associated with repairing construction defects.

Furthermore, serious construction defects pose significant risks to the safety and well-being of homeowners, their families, and their communities. Hawai'i's tropical climate exacerbates the vulnerability to construction defects when builders cut corners. Such outcomes will impact not only current residents but also future generations who deserve to inherit a vibrant and resilient community.

I urge you to carefully consider the long-term ramifications of H.B. No. 420 and to support the residents of Oahu by opposing this bill. The well-being of our community should be the foremost priority, and I believe that together, we can identify solutions that foster both economic growth and the quality of life for all residents.

Thank you for your attention to this matter. I hope you will take my concerns into account and vote against H.B. No. 420. I look forward to your response and to seeing our community's interests safeguarded.

Sincerely,

Love Vazquez

**HB-420-HD-3**

Submitted on: 3/11/2025 7:28:39 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Zendre Glymph	Individual	Oppose	Written Testimony Only

## Comments:

My name is Zendre Glymph and my condo was built by DR Horton in the winter of 2017 in Kapolei. Since I have been living in my condo, I have discovered alot of problems. The following problems are: stairwell stairs weren't flushed ( they were covered up by cheap builder grade carpet), Front and Back doors have cracks at the bottom, Back door lock is hard to open, molding is cracking around master bathroom floor, bad lumber on the side of the garage and backyard area. Also leaking under the master bathroom sinks and bad split ac in the master bedroom. ( had to replace the entire unit) Faulty garbage disposal installed. ( had to replace after five years) I don't support the homeowners being held liable for the problems they discovered with their condos and single family homes constructed by DR Horton 2017 until present. I strongly oppose House Bill 420. Sincerely, Zendre L Glymph, homeowner in Mehana DR Horton, Kapolei, HI.

**HB-420-HD-3**

Submitted on: 3/11/2025 7:30:58 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebekah Kot	Individual	Oppose	Written Testimony Only

## Comments:

I own a home in Mehana constructed by DR Horton in 2017. We have issues with cracks near our foundation and obvious corners cut during construction. We have had to re caulk many indoor areas and have a countertop that came loose from the cabinets. These are just the things we can see and our home isn't even 10 years old. By passing this bill it will encourage companies constructing affordable housing to continue "cutting corners" and possibly lead to defects not evident until years later. Please consider the homeowners who will be on the losing end and not the company continuing to build affordable housing and making money hand over fist.

**HB-420-HD-3**

Submitted on: 3/11/2025 7:34:42 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Byung K Min	Individual	Oppose	Written Testimony Only

Comments:

**Testimony Opposing H.B. No. 420**

Dear Senate Committee on Commerce and Consumer Protection,

I am writing as a concerned homeowner and member of the class action against D.R. Horton, involving the use of rusting foundation components in Hawai'i homes. I strongly oppose H.B. No. 420, as it poses significant risks to homeowners by favoring builders and contractors over the rights of consumers.

H.B. No. 420 would amend the statute of limitations for construction cases and the Contractor Repair Act in a manner that is detrimental to homeowners. The bill's provisions would:

1. **Allow Builders to Inspect Every Home in Class Actions:** H.B. No. 420 would grant builders the right to inspect every single home involved in a class action. This requirement could exclude homeowners from participating in class actions and cause lengthy delays in litigation. Such delays would only benefit builders by prolonging the resolution of claims.
2. **Impose a 10-Year Limitation on Contract and Warranty Claims:** The bill would impose a 10-year time limit on contract and warranty claims, even if a builder conceals defects or issues a warranty extending beyond 10 years. This provision unfairly limits homeowners' ability to seek redress for latent construction defects that may only become apparent years after completion.
3. **Limit Lawsuits for Building Code Violations:** H.B. No. 420 would restrict homeowners' ability to pursue lawsuits for certain building code violations. This limitation endangers the safety and well-being of homeowners, their families, and their communities by allowing builders to evade accountability for non-compliance with essential construction standards.
4. **Punish Homeowners for Rejecting Early Settlement Offers:** The bill would penalize homeowners who decline early settlement offers that may be insufficient to cover the full cost of repairs by the time the lawsuit concludes. This provision incentivizes builders to make lowball offers, knowing that homeowners' recovery would be capped if they reject the initial settlement.

H.B. No. 420 risks incentivizing builders to cut corners in construction projects, as it undermines homeowners' rights to full, fair access to the courts for construction defect claims. Without

robust legal protections, homeowners would be left to bear the financial burden of repairing serious construction defects or living with dangerous conditions they cannot afford to address.

As a homeowner who has experienced firsthand the impact of construction defects, I cannot stress enough the importance of protecting homeowners' rights. We invest significant financial resources and trust into our homes, expecting them to be safe and structurally sound. Limiting our ability to seek justice and proper compensation for construction defects is an affront to consumer rights and public safety.

I urge the Senate Committee on Commerce and Consumer Protection to reject H.B. No. 420 in its entirety. The bill, as it stands, benefits only builders and contractors at the expense of homeowners. Protecting the rights of homeowners is paramount to ensuring a fair and just legal system that holds builders accountable for their work.

Thank you for considering my testimony. I strongly encourage my fellow homeowners to submit their opposition to H.B. No. 420 and attend the hearing on Friday, March 14, 2025, at 9:30 a.m. at the Hawai'i State Capitol.

Respectfully,

Byung K. Min

**HB-420-HD-3**

Submitted on: 3/11/2025 7:45:51 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Josten Giang	Individual	Oppose	Written Testimony Only

## Comments:

HB420 acts against the interest of homeowners and supports the business interests of DR Horton. As a homeowner in Hoopili, I've experienced failure to run hot water to my master bedroom, rusting hurricane related items, and water entering my living room. The latest experience involves DR Horton saying water came through the drains of my upstairs neighbor. But their unit is dry and I've had construction folks come by to confirm that DR Horton's excuses are not plausible. My point is that I have to battle with DR Horton alongside my insurance to have an actual fix implemented. DR Horton is after our money and HB420 supports their interest only.

**HB-420-HD-3**

Submitted on: 3/11/2025 7:47:12 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Celeste Lewi	Individual	Oppose	Written Testimony Only

Comments:

Hi,

I oppose this bill because this doesn't hold investors and building accountable for the quality of products they produce. I believe that enacting HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangers defects they can't afford to repair. Please don't allow unethical builders come to the island and ruin this place with poor quality products and profit on our hardworking people.

**HB-420-HD-3**

Submitted on: 3/11/2025 7:48:46 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Bruner	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern,

I am writing to express my strong opposition to HB420, a bill that clearly serves the interests of corporate construction companies at the expense of consumers and homeowners. This legislation is a blatant attempt to limit corporate liability and reduce consumer protections, making it harder for everyday people to hold builders accountable for faulty construction, unsafe work, and code violations.

HB420 is one-sided and heavily favors the construction industry, restricting the rights of homeowners and small property owners who depend on fair legal recourse when they face serious defects. It creates unnecessary barriers for consumers to seek justice and undermines their ability to band together in class-action lawsuits, which is often the only way to challenge powerful corporations with unlimited legal resources.

As elected officials, you have a duty to represent the people of Hawaii, not corporate interests that seek to minimize accountability. If this bill passes, it will make it significantly harder for homeowners to ensure the safety and integrity of their homes. Consider these anti-consumer provisions in HB420:

- Restricts homeowner lawsuits by forcing claimants into a structured claims process before they can file in court.
- Raises the burden of proof by requiring detailed evidence upfront, making it harder to bring legitimate defect claims.
- Gives contractors the first opportunity to inspect and repair, which allows them to dictate the process and potentially downplay serious issues.
- Limits financial recovery for homeowners who reject a contractor's settlement offer, even if the offer is inadequate.



In Hawaii, working-class families already face enough challenges—from the high cost of living to rising housing expenses. This bill would only add to their burdens by making it easier for builders to cut corners and avoid responsibility.

I urge you to oppose HB420 and stand with the homeowners and consumers you were elected to protect. The solution isn't to limit consumers' rights—it's to ensure that construction companies build safe, high-quality homes and take responsibility for their mistakes.

Hawaii's families deserve better.

Thank you for your time and consideration.

EB

**HB-420-HD-3**

Submitted on: 3/11/2025 8:06:00 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeris K. Ching	Individual	Oppose	Written Testimony Only

## Comments:

As a hardworking homeowner and native Hawaiian who's working multiple jobs to make ends meet in Hawaii, I strongly oppose HB420. I currently live in Hoakalei at Ka Makana and have been dealing with construction defects caused by Haseko's cost cutting work when our house was built. They used coral rock which is common in Ewa Beach to backfill under our foundations and ignored advisement from the structural engineers to use corrosion proof shot pins to tie anchor the foundation. As a result, we have concrete spall in our foundation from the corroding non-protected pins which are expanding and damaging our foundation. The cost to remedy the problem is significant and Haseko is trying to bury their build issues behind this bill. Our homes are the most expensive purchase most people will make in their lifetime and we deserve to have and enjoy what we work hard for. Please be our voice and look out for us as citizens of this state and protect our interests. Companies like Haseko are only looking after one thing... their bottom line. Don't let these builders get away with shoddy work. It may be your or your kids homes one day that will fall victim to these profit over quality companies. Thank you for your time and consideration.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:15:01 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Wiley	Individual	Oppose	Written Testimony Only

## Comments:

I oppose HB420 because it feels like it's leaving homeowners like me out in the cold. Extending the time limit to 10 years means if something goes wrong with my home after that, I might not have any legal recourse, even if I don't notice the issue until later. That just doesn't seem fair – especially if a contractor did poor work or used cheap materials. It seems like the bill is more about protecting developers than actually looking out for people like me who are trying to protect their homes.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:23:22 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven Andersen	Individual	Oppose	Written Testimony Only

## Comments:

- We pay a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects.
- DR Horton has built homes with rusted screws, glue that causes mold, faulty shingles, incorrectly connected water pipes. All of this happened in less than 3 years since construction.
- These serious construction defects pose life and safety risks to homeowners, their families, and their communities
- Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and
- Class actions help lots of owners band together on claims that they would not be able to pursue on their own

**HB-420-HD-3**

Submitted on: 3/11/2025 8:28:36 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
YenYu Liu	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:33:59 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

## Comments:

As a homeowner we should have the opportunity to pursue legal action against home builders who knowingly build a substandard homes and "cover up" that fact while they make substantial profits from consumers. Why should a large corporation with millions of dollars backing themselves have little to no consequences while having shady business practices?

**HB-420-HD-3**

Submitted on: 3/11/2025 8:42:12 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica woodward	Individual	Oppose	Written Testimony Only

## Comments:

As a homeowner now in litigation for faulty hurricane straps installed by DR Horton in 2015, I oppose the HB 420. Developers cut corners and the homeowner ends up paying because of developer greed. Their "cost saving" are not shared with consumer but rather only fatten the pockets of wealthy developers. On the other hand, homeowners are stuck with costs of repair, costs of insurance increases resulting from claims that are exacerbated by shoddy developer work and materials, and risk of future damage. Crooked developers need to do it right the first time, or pay to fix their messes. This bill simply allows developers to shirk their responsibilities for material and craftsmanship that should last longer than 10 years. Houses are not cheap nor even remotely affordable in Hawaii, consumers paying extreme premium for housing need protection from greedy developers. Kill this bill. Kill HB 420.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:44:26 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Oppose	Written Testimony Only

Comments:

Hello, I am writing in strong opposition to HB 420.

HB 420 is anti-consumer and would benefit only builders and risk harm to homeowners. HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation.

Thank you for your consideration.

Noelle Lindenmann, Kailua-Kona



**HB-420-HD-3**

Submitted on: 3/11/2025 8:46:07 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marissa Baligad Orian	Individual	Oppose	Written Testimony Only

Comments:

Dear Hawaii State Legislature,

I **strongly oppose** to House Bill No. 420 (“HB 420”) to amend H.R.S. 675-8 (the statute of limitations for construction cases) and H.R.S. 672E (the Contractor Repair Act). I’m a single mother and a sole homeowner of my condo, since April 2020. As a homeowner at Hoopili, Ewa Beach, I deserve full, fair access to the courts to protect my home against any builder defects. I experienced problems in our foundation with corroded and rusty screws and was part of a class action suit that replaced all screws. The House Bill No. 420 will allow builders more flexibility to limit homeowner warranties, possibly exclude us from class actions cases, limit us with pursuing lawsuits for building code violations, and likely punish us from not taking early settlement offers. This bill could allow builders to cut corners by limiting our rights in any construction defects, which could potentially pose life and safety risks to all homeowners and their families. The cost of living in Hawaii continues to increase and the housing expenses are growing at an exponential rate. Given our tropical weather, we are more vulnerable to construction defects. As such, homeowners deserve construction defect claims and class actions suits that would allow homeowners to come together on claims that are difficult to pursue independently.

Respectfully,

Marissa Baligad Orian

(808) 206-0885

mcborian@gmail.com

**HB-420-HD-3**

Submitted on: 3/11/2025 8:47:28 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amadeo E Esperanza	Individual	Oppose	Written Testimony Only

## Comments:

- Paying a lot of money for a home over a long period of time, so I deserve full, fair access to the courts to protect my home against builder defects;
- Concerns that serious construction defects pose life and safety risks to homeowners, their families, and their communities;
- Worrying that construction defects are too expensive as a homeowner to repair on my own;
- As a taxpaying homeowner, I deserve an even playing field for construction defect claims against builders;
- Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and
- Class actions help lots of owners band together on claims that they would not be able to pursue on their own

**HB-420-HD-3**

Submitted on: 3/11/2025 8:59:17 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Naomi Morgan	Individual	Oppose	Written Testimony Only

Comments:

Home owners spend so much money and put our trust and safety in the hands of developers only to be let down time and time again. HB420 appears to allow developers more freedom to take advantage of consumers and reduce any chance to recover. Please consider the individuals who are nearly defenseless against the very powerful developers when making you decision.

**HB-420-HD-3**

Submitted on: 3/11/2025 8:59:27 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Villella	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill regarding DR Horton.

**HB-420-HD-3**

Submitted on: 3/11/2025 9:08:56 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Antonia Harrison	Individual	Oppose	Written Testimony Only

Comments:

I'm opposing HB 420 because:

Paying a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects;

Your own experience seeing serious construction defects during class action inspections on your own home;

Concerns that serious construction defects pose life and safety risks to homeowners, their families, and their communities;

Worrying that construction defects are too expensive for individual homeowners to repair on their own;

Taxpaying homeowners deserve an even playing field for construction defect claims against builders;

Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and

Class actions help lots of owners band together on claims that they would not be able to pursue on their own.

Sincerely,

A.Harrison

**HB-420-HD-3**

Submitted on: 3/11/2025 9:28:11 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Levingston Hodges III	Individual	Oppose	Written Testimony Only

Comments:

Levingston Hodges III

92-721 Welo Street

Kapolei HI 96707

ldhodes1775@gmail.com

339-223-1424

11 March 2025

Senate Committee on Commerce and Consumer Protection  
Hawai'i State Capitol  
415 S. Beretania Street, Conference Room 229  
Honolulu, HI 96813

Subject: Opposition to HB 420

Dear Chair and Members of the Senate Committee on Commerce and Consumer Protection,

I am writing to express my strong opposition to House Bill No. 420 (HB 420), which seeks to amend H.R.S. 675-8 and H.R.S. 672E in ways that would severely limit homeowners' rights in construction defect cases. As a homeowner affected by construction defects and a class member in ongoing litigation against D.R. Horton, I find this bill grossly unfair and detrimental to consumers across Hawai'i.

HB 420 is not a consumer protection measure—it is a shield for negligent builders at the expense of homeowners. If passed, it would:

1. **Allow builders to inspect every individual home in class action cases**, delaying litigation for years and potentially excluding impacted homeowners from rightful claims.
2. **Impose a 10-year limitation on contract and warranty claims**, even when builders conceal defects or issue warranties extending beyond 10 years.

3. **Restrict homeowners' ability to file lawsuits for building code violations**, further reducing accountability for defective construction practices.
4. **Punish homeowners for rejecting early settlement offers**, which may be grossly insufficient to cover long-term repair costs.

Hawai'i homeowners make significant financial commitments to purchase homes, often with lifelong mortgages. They should not be left vulnerable to defective construction without viable legal recourse. This bill creates an unfair playing field, favoring large corporations over taxpaying residents who want safe and structurally sound homes.

In my own experience, I have witnessed severe construction defects firsthand. Like many other homeowners, I am deeply concerned about safety hazards, skyrocketing repair costs, and the potential financial ruin this bill could impose on unsuspecting families. If builders are not held accountable, more homeowners will be left shouldering the burden of their negligence.

Hawai'i's climate and environmental conditions already pose unique challenges to home integrity, making it even more crucial that builders meet high standards and are held accountable for substandard work. Stripping away homeowner protections will only encourage cost-cutting and negligence in the construction industry.

I urge this committee to stand with homeowners and reject HB 420. The rights of the people of Hawai'i should not be sacrificed to benefit corporate interests.

Thank you for your time and consideration.

Levingston Hodges III

92-721 Welo Street

Kapolei HI 96707

ldhodes1775@gmail.com

339-223-1424

**HB-420-HD-3**

Submitted on: 3/11/2025 9:22:40 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dexter Harrison	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB420 for the following reasons:

- Paying a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects;
- Your own experience seeing serious construction defects during class action inspections on your own home;
- Concerns that serious construction defects pose life and safety risks to homeowners, their families, and their communities;
- Worrying that construction defects are too expensive for individual homeowners to repair on their own;
- Taxpaying homeowners deserve an even playing field for construction defect claims against builders;
- Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and
- Class actions help lots of owners band together on claims that they would not be able to pursue on their own

Very Respectfully,

Dexter Harrison



**HB-420-HD-3**

Submitted on: 3/11/2025 9:28:54 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas Allen	Individual	Oppose	Written Testimony Only

Comments:

**My wife and I have always had a dream of making a life here in Hawaii. We were renting from 2018 up until 2023 when we purchased our home in Hoopili. We all know that Hawaii is hard on people. Cost of living outpaces our wages, and making ends meet is a challenge. Yet, many of us stay. It's worth it. However, the proposed house bill 420 will make this dream even more difficult for locals who will have to pay out of pocket for defects in their home. We, in a very literal sense, put our life's savings into this house. We want to grow old here and help build a community that values aloha. Corporate greed should not be prioritized over the well-being of Hawaii's people. Builders should not be able to slap together homes, hide defects, cut corners, and lie to their customers and get away with it. I stand in firm opposition to HB 420 and I pray that you all stand with me against soulless corporations who value profit over people.**

**Mahalo**

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**Landon Lum**

**HB-420-HD-3**

Submitted on: 3/11/2025 9:50:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
IZUMI TOKIKAZU	Individual	Oppose	Written Testimony Only

Comments:

Homeowners invest a significant amount of money into their homes over many years, so they should have full and fair access to the courts to defend their homes against construction defects.

**HB-420-HD-3**

Submitted on: 3/11/2025 9:53:45 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Webster	Individual	Support	Written Testimony Only

Comments:

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

Travis Webster

**HB-420-HD-3**

Submitted on: 3/11/2025 9:56:21 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Sefo	Individual	Oppose	Written Testimony Only

## Comments:

I oppose bill HB420. As a homeowner of a DR Horton home, known for having existing defects on the home, i should have my rights to hold the developer accountable for faulty construction. I purchased a home in 2022 that was built in 2013 and was found to have hurricane anchor defects. With this bill, I would not be able to hold dr Horton accountable since it is after 10 years of the build. The anchors had rust and were defective. This is a purchase I saved for my whole life, i should not be the one to suffer for the builders short cuts to produce fast quick homes. This bill would be harmful to all homeowners and does not benefit us, the taxpayers, only the developers. Please.vote no!

**HB-420-HD-3**

Submitted on: 3/11/2025 10:17:52 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsey Alvarez	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Senate Committee on Commerce and Consumer Protection,

I am writing as a concerned homeowner in opposition to House Bill 420 (HB 420). This bill unfairly limits homeowners' rights and protections against construction defects, favoring builders at the expense of those who have invested their hard-earned money into their homes.

As a homeowner, I believe in fair access to the courts when builders fail to meet their obligations. HB 420 would make it significantly harder for homeowners to hold builders accountable by:

- Allowing builders to delay and obstruct legal action by demanding inspections of every home in a class action lawsuit.
- Imposing a rigid 10-year limitation on claims, even when builders knowingly conceal defects.
- Limiting legal action for serious building code violations, potentially compromising safety.
- Penalizing homeowners for rejecting early settlement offers, even if those offers are insufficient to cover necessary repairs.

Hawai'i's unique climate makes construction quality even more critical, as improper materials and cutting corners can quickly lead to severe structural damage. Homeowners already bear the financial burden of purchasing and maintaining their properties—this bill would further disadvantage them by stripping away essential legal protections.

I strongly urge you to reject HB 420 to ensure that homeowners retain the right to seek justice and accountability from builders who do not meet acceptable standards of quality and safety.

Thank you for your time and consideration.

Sincerely,

Chelsey Alvarez

## Opposition to HB 420

Submitted by: Glenn K Sato, Attorney At Law

HB420 would allow builders to inspect every class member's home who are not class representatives. Allowing such inspections would convert a class action into individual actions. Thus, entirely eliminating the purpose of a class action to have numerous small claims decided as a group rather than individually. In the end, builders goal for this portion of HB420 is to make class action financially unfeasible.

HB420 would allow builders to impose a 10 year time limitation on contract and warranty claims even where the contract and warranty state a longer period of time (because the time period starts later or ends later or both). The builders should be bound

by their promises in contracts and warranties and not be allowed to escape from their obligations to homeowners.

HB420 would allow builders to escape liability for certain building code violations. A home built in full and complete compliance of existing building code is the worst home that can be legally built. Builders should not be allowed to escape liability for not complying with the minimum safety and quality standards under our building code.

HB420 proposes to punish homeowners who do not accept early settlement offers from builders. Such potential punishment will be used as a stick to reduce the number of class members.

There is strength where a homeowner's neighbors are all joining in the effort to obtain a fair verdict, decision or settlement



against a financially superior builder.

Overall, the purpose of HB420 is to reestablish builders as goliaths versus less capable individual homeowners. Any reduction of rights of class members to bring a unified claim against a builder eliminates fair access to the courts to pursue a fair verdict, decision or settlement, thus, I respectfully oppose the passage of HB420.33

This letter is to let you know that I oppose HB 420.

As you know, home structural defects must be fixed since they pose serious consequences to our life and safety risks of one of the homeowners, my family, and my communities. In effect, we are subsidizing the builders if we do not hold them accountable for their horrible decisions during the construction of our home

The home we purchased from DR Horton has serious structural defects and we are currently pursuing legal actions against DR Horton. It is unfair if the builder is allowed to get away from their responsibilities by giving them the way of legally avoiding responsibilities after certain time limit or any other limits as proposed in HB 420. While you are perfectly aware that pursuing legal actions takes a lot of time here in the State of Hawaii.

As one of the taxpaying homeowners, I certainly deserve an even playing field for construction defect claims against DR Horton to hold them accountable to fix their construction mistakes.

Living in Kailua Kona Big Island is expensive endeavors. We paid a lot of money for a home over a long period of time; therefore, it is fair for homeowners to expect and to receive full, fair access to the courts to protect my place of living against builder defects.

As I mentioned above, we are all aware of the cost of living in Hawaii, VERY EXPENSIVE. I am worried that construction defects are too expensive for me as the homeowner to repair on our own.

Living in Hawai'i's with its tropical environment makes me as one of the homeowners more vulnerable to construction defects when builders cut corners. We need to hold them accountable!

Allowing class actions help lots of homeowners to band together on claims against a scrupulous builder such as DR Horton. I do not think that I have the resources such as time and money to pursue legal actions by myself against my DR Horton.

Your considerations are really appreciated.

Defective Homeowner Build by DR Horton.

Frederick S. Hahn

**HB-420-HD-3**

Submitted on: 3/11/2025 11:32:58 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ro Kaing	Individual	Oppose	Written Testimony Only

## Comments:

The amendments in HB 420 are anti-consumer, would benefit only builders and risk harm to homeowners. Enacting HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangerous defects they can't afford to repair. DR Horton is a frequent perpetrator of using faulty materials and methods to build homes and failing to be accountable when the houses need to directly be repaired and at great cost to fix what The builder's unacceptable work.

**HB-420-HD-3**

Submitted on: 3/11/2025 11:36:09 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Capps	Individual	Oppose	Written Testimony Only

## Comments:

My name is Steve Capps and I am a current DR HORTON homeowner on the big island. I am submitting my opposition to this bill and I have had several issues with Dr HORTON my residence is 73-5534 Kaiau Place Kailua Kona HI 96740. I'm not interested in any bill that removes the homeowners rights to file for damages and repairs. When the builder failed to follow current county building codes and regulations not to mention Hawaii state law. I have had fight with DR HORTON numerous years to get my house painted when they failed caulk my batons. NOW, my flooring is coming unglued in just 6 years of ownership.

In closing I am aware that this builder has had several issues and complaints with houses on several Hawaiian Islands. That should be alarming in itself, and should warrant further investigation into the alleged allegations brought forward to this hearing.

Respectfully,

Steve Capps

73-5534 Kaiau Place

Kailua Kona HI 96740

**HB-420-HD-3**

Submitted on: 3/12/2025 12:21:06 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheila Tomas	Individual	Oppose	Written Testimony Only

Comments:

To the Members of the Committee,

As a homeowner in one of D.R. Horton's developed communities, Mehana, in Kapolei, Hawai'i. I am submitting this testimony to express my strong opposition to H.B. No. 420. This bill threatens the rights and protections of homeowners like me and will have severe consequences for our communities.

Homeowners make a significant investment when purchasing a home. We pay a lot of money over a long period of time, often decades, to secure this fundamental need for ourselves and our families. This immense financial commitment means we deserve full and fair access to the courts to protect our homes—our largest and most important investment—against builder defects.

I have personally witnessed the devastating impact of construction defects. During class action inspections on my home, I saw firsthand the serious issues that could arise. These defects are not just cosmetic; they pose significant life and safety risks to homeowners, their families, and the entire community. Faulty construction can lead to structural failures, water intrusion, mold growth, and other hazards that threaten the health and well-being of residents.

The financial burden of repairing construction defects is often too expensive for homeowners to bear. Many of us are already stretched thin, and the added cost of fixing major construction flaws can be financially crippling. As taxpaying homeowners, we deserve an even playing field when it comes to pursuing construction defect claims against builders who have cut corners or engaged in negligent practices.

Hawai'i's unique tropical environment makes us particularly vulnerable to the consequences of poor construction. The combination of humidity, salt air, and heavy rainfall can exacerbate construction defects, leading to rapid deterioration and more severe damage. When builders cut corners, the risks to homeowners in Hawai'i are amplified.

Class actions are a critical tool that allows homeowners to band together and collectively pursue claims that they would not be able to pursue on their own. These legal actions level the playing field and provide homeowners with the resources and legal expertise necessary to take on powerful developers and construction companies. H.B. No. 420 threatens this important avenue for justice.

In conclusion, I urge you to reject H.B. No. 420. This bill is detrimental to Hawai'i's homeowners and will incentivize builders to prioritize profit over quality and safety. Please protect our rights and ensure that we have the means to hold negligent builders accountable.

**HB-420-HD-3**

Submitted on: 3/12/2025 2:01:23 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cristina Ayala Rodriguez	Individual	Oppose	Written Testimony Only

## Comments:

I, Cristina Ayala Rodriguez, opposed HB420 as this bill violates U.S.C 4041 and/or 50 U.S.C 4042 and the SCRA. Specifically, BILL HB420 forces military members who have purchased homes from any Hawai'i developer to waive their rights to protection and repair for damage caused by faulty services or products. The Service Relief Act (SCRA) is a federal protection law enacted by Congress and enforced by the Attorney General's Office to protect servicemembers from illegal and unethical practices that can affect their service stability (financial, rent/housing, lease/contract, etc.). Currently, various Armed Forces Members have purchased homes for Hawaiian Developers who have failed to conduct sound inspections of construction and or material use for said constructions resulting in faulty housing products putting the life and financial stability of servicemembers at risk. Service members might or might not be aware that their rights have been violated and further more they are not aware of the implications of Bill HB420. The court must facilitate reasonable time to ensure all members both on island and abroad are informed about the bill and request their testimony.

**HB-420-HD-3**

Submitted on: 3/12/2025 3:01:41 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron Hughlett	Individual	Oppose	Written Testimony Only

Comments:

Good morning,

I am writing to oppose HB 420 as this bill would make current-standing issues even worse for home owners. As a home owner, I have spent thousands of dollars to have the current home in Ho'opili, and there have been issues that DR Horton has not taken responsibility for. For example, multiple pieces of cabinetry had been infested with termites, leading me to contact multiple companies to obtain quotes on addressing the issue. Each of these companies states that there was no way this level of infestation could have happened in the couple years that we lived there (we are the original buyers) and that the cabinetry had to have been already infested upon construction. DR Horton would not take responsibility and therefore I had to pay out of pocket to have the cabinets removed and replaced.

As wonderful as obtaining a new-build home can be, one must remember that they are not exempt from defects when built. I understand that DR Horton is just the name on the work and that they subcontract the work out to local companies, but if their name is on it, they need to take the bad with the good and hold responsibility for any building defects. When issues do arise (as many have for many owners), they must offer what is right, but also leave the decision making to the home owner. If their homeowner wants to seek legal counsel instead of taking low-end settlements, they should be allowed to do that. If companies like DR Horton want to avoid class action lawsuits, the need to have better eyes on their products and stop going with the lowest bidder.

Please do not pass this bill, as the power to legal counsel should be in the hands of the homeowner.



**HB-420-HD-3**

Submitted on: 3/12/2025 3:21:02 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ava gaye Maitland	Individual	Oppose	Written Testimony Only

Comments:

I oppose H.B. N.O. 420

**HB-420-HD-3**

Submitted on: 3/12/2025 4:40:39 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Wade Hirano	Individual	Oppose	Written Testimony Only

Comments:

Unfare practice to home owners.

**HB-420-HD-3**

Submitted on: 3/12/2025 5:22:56 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Leonard	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 420 due to the reason as this only supports the company. Never the consumer. Someone besides the consumer needs to be liable.

**HB-420-HD-3**

Submitted on: 3/12/2025 5:37:36 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jon Fuller	Individual	Oppose	Written Testimony Only

## Comments:

HB420 limits homeowners' rights and enables builders to cut corners during the construction period. The builder is the only one present throughout the construction period of home development and therefore should be liable for actions during that period. Being a homeowner in Hawaii is a significant investment and for that investment, we expect quality work that will meet and exceed Hawaii standards. When buying a home we expect that care went into the development and are only able to see the final product. Being a homeowner is a significant investment and we can't afford to pay for a builder's mistake made during construction.

HB420 fails to support and protect homeowners. As residents, we only ask for standards to be enacted that protect our future.

**HB-420-HD-3**

Submitted on: 3/12/2025 6:41:29 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Abigael Ranada	Individual	Oppose	Written Testimony Only

Comments:

To Whom it may concern,

I am a new home owner and bought a house from D.R. Horton in October 2022. As most homeowners are excited with the milestone, this excitement unfortunately lasted 1 year.

I've already experienced damages and breach of contract with D.R. Horton which leads me to oppose to HB 420 to prevent continuance of benefits to builders and risk harm to homeowners.

My current struggle with D.R. Horton is a huge amount of money for my home experiencing construction defects. Due to the construction defects, I am now phone call after phone call to planning out demo and repairs on my 3 year home. In and out of my bank account trying to make the payments work out.

The construction defects includes roofing piping jacks installed incorrectly and cracked, roofing materials lifting both causing water leak in my second upstairs bedroom. ADU ceiling leaking due to crack of the in the pipes causing demo, mitigation, and repairs. All this within the 1-3 years of the home being newly constructed.

Informed knowledge of HB 420 to additionally opposing, HB 420 leans more in favor of builders as it allows but not limited to:

- Allow builders to inspect every single home in class action cases, which could exclude homeowners from class actions and cause massive delays of years in litigation;
- Impose a 10-year time limitation on contract and warranty claims, even if a builder conceals defects or issues a warranty for longer than 10 years after completion of construction;
- Limit homeowners' ability to pursue lawsuits for certain building code violations; and
- Punish homeowners for not taking early settlement offers that may not be enough money for repairs by the time the lawsuit is over

I believe that enacting HB 420 risks allows builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangers defects they can't afford to repair."

I highly oppose to HB 420 prevent the building industry including D.R. Horton to prevent having more power of sweeping construction issues on as small situations while it causes undue hardship to homeowners. A brand new home to a first homeowner should not have to undergo this much trouble to enjoy this great milestone and occasion in my life. Thank you in advance for your careful consideration to this matter and your attention to my testimony opposing HB 420.

Sincerely,

Abigael Ranada

**HB-420-HD-3**

Submitted on: 3/12/2025 7:02:23 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Kimoto	Individual	Support	Written Testimony Only

## Comments:

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

I am testifying in strong support of HB420 HD3, which is essential to protecting homeowners while also ensuring that Hawai‘i’s already strained housing market is not made even more inaccessible.

Hawai‘i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

I am a first-time homeowner in a development being impacted by the current legal battles related to this bill. I was fortunate enough to be able to purchase a unit without government-backed mortgages, but the legal battles relating to this bill limited my options for getting a loan. I've also seen letters, inspectors, and members of my community being swayed by the opposition, without getting the full background of the impacts to them. Later, people are disappointed when they're left facing damages or incomplete fixes after inspections, problems fixing their homes, problems selling their homes, and feeling like their accomplishment of owning a home that was once joyous, is now a burden.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai‘i’s housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai‘i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Thank you for your time and consideration.



**HB-420-HD-3**

Submitted on: 3/12/2025 7:28:20 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

**HB-420-HD-3**

Submitted on: 3/12/2025 7:49:34 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tami Kano	Individual	Oppose	Written Testimony Only

Comments:

I have concerns that serious construction defects pose life and safety risks to homeowners, my families, and my communities.

Taxpaying homeowners deserve an even playing field for construction defect claims against builders.

We have right to protect taxpaying homeowners and their families against builders who make profits out of building unsafe construction structures.

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

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

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

*Karin Penin*



**HB-420-HD-3**

Submitted on: 3/12/2025 8:13:06 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily White	Individual	Oppose	Written Testimony Only

## Comments:

This bill will hurt homeowners in a time when they are extra vulnerable to disasters. This bill does nothing to support affordable housing and only hurts homeowners.

We are long time local homeowners who have put everything in to Hawai'i as taxpayers; we deserve full and fair access to protect us against builder defects that threaten our live's work.

Our home and our entire neighborhood cannot withstand a hurricane due to rusty bolts, a construction defect that must be remedied. This bill would steal our opportunity and equity.

These rusty bolts are in the foundation and far too costly for individuals to fix, especially since it's not our duty. We cannot afford to go this alone; we must band together in a class action to even afford relief. Please help local families by opposing this bill. Mahalo.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:00:26 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Maythawee Bintvihok	Individual	Oppose	Written Testimony Only

Comments:

I, as a first time homeowner in Hawaii, think that as a homeowner who has to pay a lot of money (close to a million dollars) for a home over a very long period of time, I deserve full, fair access to the courts to protect their homes against builder defects.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:18:12 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Smith	Individual	Oppose	Written Testimony Only

## Comments:

As an original homeowner in Hoopili since 2019 I was made aware of possible hidden defects to our home years after the contractors warranty has expired. HB420 seems to limit the homeowners ability to hold the contractor responsible for defects. HB420 only helps contractors and hurts homeowners. Contractors are encouraged to hide defects for 10 years to avoid being held responsible, while homeowners would need to pay for costly repairs out of pocket for poor workmanship. Taxpaying homeowners deserve to have access to a claim process for defects created by builders. Mandating inspection of each and every home places undue burden upon the homeowner and may expose additional harm to the home if the contractor requires destructive inspections. In Hoopili, homeowners had to allow the removal of siding to allow inspection of the interior anchors, this caused unnecessary damage to the paint and siding. The threat of class action levels the playing field for the homeowners going up against large corporate builders. Please reject HB420 in favor of tax paying homeowners.

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

Van Law



**TESTIMONY BEFORE THE HOUSE COMMITTEE ON COMMERCE AND  
CONSUMER PROTECTION**

**HB 420 HD3  
Relating to Remedies**

Friday, March 14, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Leslie Kwock

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

My name is Leslie Kwock and I am submitting written testimony **in opposition** of HB 420 HD3. This amendment is anti-consumer and would only benefit builders and risk harm to homeowners by incentivizing builders to cut corners by limiting homeowner rights in construction defect litigations.

HB 420 puts additional unjustified limits and stress on homeowners, when families have gone to great lengths to finally achieve one of life's ultimate goals of home ownership, especially in Hawai'i. Living in Hawai'i is difficult enough and our costs of living expenses are amongst the highest in the United States. Finally owning a home in Hawai'i, where I was born and raised, was very important to me to secure continued future generations of my family here. It was a huge effort for many years to be able to afford a home. I value my home and builders should also.

This bill will also have an immediate impact with the West Maui rebuilding efforts and will continue to add and extend undue anxieties and financial liabilities in the future.

I strongly oppose HB 420 HD3 and request that the committee reconsider the impacts of this amendment that will limit Hawai'i home owners and allow builders an advantage that will provide them additional profits and less accountabilities. I humbly request that you do NOT allow the bill to pass today.

Thank you for your time and the opportunity to share my comments for the opposition of this bill.

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

*RE: Strong Support for **HB420 HD3** – Relating to Remedies*

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

I am testifying in strong support of HB420 HD3, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**Todd Mills**

**HB-420-HD-3**

Submitted on: 3/12/2025 8:35:19 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lam	Individual	Support	Written Testimony Only

Comments:

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai‘i’s already strained housing market is not made even more inaccessible.

Hawai‘i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai‘i’s housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai‘i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**HB-420-HD-3**

Submitted on: 3/12/2025 8:36:41 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kei Kotani	Individual	Oppose	Written Testimony Only

## Comments:

I, Kei Kotani, strongly oppose HB420. I paid a lot of money to purchase my house so I believe as a homeowner, I deserve full, fair access to the courts to protect my house against builder defects. My house was built by DR Horton and I have had to contact them for various defects. Even now, they are not very willing to correct their defects and always looking for delays and excuses to not follow through the warranty coverage. This bill will further give construction companies to cheat the customers. Living costs and repair costs are already high in Hawaii, and I am very worried that construction defects are too expensive to repair on my own. Hawai'i's tropical environment makes us more vulnerable to construction defects when builders cut corners so I strongly oppose HB420.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:38:03 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy McOuat	Individual	Oppose	Written Testimony Only

Comments:

I **OPPOSE** this outrageous anti-homeowner bill.

This law would benefit developers and builders at the expense of homeowners. It would simultaneously drive up the cost of litigation while limiting contractor liability for their own defects.

Requiring every class home to be inspected is unnecessary because the same defect will be seen over and over. Such a requirement would make litigation costs worse, not better. Most importantly this requirement would delay critical life-safety repairs unnecessarily prolonging homeowner exposure to hazards.

- **Increased Burden on Homeowners** – Homeowners must provide a detailed notice of claim before filing a lawsuit against a contractor. This includes specific descriptions, expert reports, photographs, and testing results. This requirement could make it more difficult for homeowners to seek legal remedies if they lack the resources to obtain such detailed evidence.
- **Delays in Resolving Construction Defects** – The bill mandates multiple procedural steps, including an inspection period and a waiting period for the contractor's response. These steps could significantly delay necessary repairs, leaving homeowners with unresolved defects for extended periods.
- **Limitations on Legal Action** – Homeowners must wait at least 90 days before filing a lawsuit. If the contractor makes an offer to repair, the homeowner may be forced to engage in negotiations rather than immediately seeking legal redress, potentially limiting their ability to get full compensation.
- **Reduced Insurance Protections** – The bill states that a notice of claim does not trigger an insurance claim, meaning homeowners may not have immediate access to insurance-backed remedies. This could leave them financially burdened with the cost of repairs while the legal process unfolds.
- **Potential for Inadequate Repairs** – The bill allows contractors to propose their own remedies, including partial fixes or settlements, which could be insufficient to fully address the problem. If a homeowner rejects a contractor's offer, their recovery in court may be limited to the originally proposed repair cost.
- **Discouraging Legal Action** – If a homeowner takes legal action but does not obtain a more favorable judgment than the contractor's offer, they may have to cover the

contractor's legal costs. This provision could deter homeowners from pursuing legal claims even when their case is valid.

Finally, Hawai'i construction costs have skyrocketed over years. Mandating that Hawai'i homeowners accept artificially low constructor offers, or permitting developers to deploy ineffective solutions would leave homeowners without the funds needed to repair defects, placing them at risk.

I **OPPOSE** this anti-homeowner, pro-developer bill. It should never be allowed to become law.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:40:09 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Van Dusen	Individual	Oppose	Written Testimony Only

Comments:

HB 420 punishes homeowners for not taking early settlement offers that probably won't be enough for repairs. It also allows builders to cut corners while taking away a homeowners constitutional rights in constuction defect litagation leaving homeowners stuck with paying for serious defects that we will be unable to pay out of pocket.



**HB-420-HD-3**

Submitted on: 3/12/2025 8:44:15 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kainoa Aki	Individual	Oppose	Written Testimony Only

## Comments:

I am writing to express my strong opposition to HB420 HD3, a bill that places an undue burden on homeowners seeking to hold contractors accountable for construction defects. This bill would significantly weaken homeowners' ability to seek timely and fair remedies for defective construction, favoring contractors over the rights and interests of property owners.

HB420 HD3 imposes excessive procedural barriers on homeowners by requiring them to submit detailed claims, including expert reports and testing results, before even initiating legal action. Many homeowners do not have the financial or technical resources to compile such evidence, effectively limiting their ability to seek justice.

Additionally, the bill mandates prolonged waiting periods and extensive negotiation processes that delay necessary repairs. Homeowners should not be forced to live in unsafe or defective homes while navigating unnecessary bureaucratic hurdles designed to benefit contractors.

Another major concern is that the bill allows contractors to dictate the terms of repair or settlement, including partial remedies that may not fully address the defects. If a homeowner rejects a contractor's offer and seeks legal action, they risk having their recovery limited to the original offer amount and may even be responsible for covering the contractor's legal fees. This provision discourages legitimate claims and creates an unfair advantage for contractors.

Furthermore, HB420 HD3 undermines homeowners' access to insurance remedies by stating that a notice of claim does not trigger coverage obligations. This means homeowners could be left shouldering repair costs while waiting for a resolution, placing undue financial stress on those affected by construction defects.

As a concerned citizen, I urge you to oppose HB420 HD3 and support legislation that prioritizes the rights and protections of homeowners rather than shielding contractors from accountability. Homeowners deserve fair and accessible legal recourse to ensure the safety and integrity of their homes.

Thank you for your time and consideration. I strongly encourage you to reject this bill and work toward policies that uphold homeowner rights.

I am writing to express my strong opposition to HB420 HD3, a bill that places undue burdens on homeowners seeking to hold contractors accountable for construction defects. This bill would significantly weaken homeowners' ability to seek timely and fair remedies for defective construction, favoring contractors over the rights and interests of property owners.

HB420 HD3 imposes excessive procedural barriers on homeowners by requiring them to submit detailed claims, including expert reports and testing results, before even initiating legal action. Many homeowners do not have the financial or technical resources to compile such evidence, effectively limiting their ability to seek justice.

Additionally, the bill mandates prolonged waiting periods and extensive negotiation processes that delay necessary repairs. Homeowners should not be forced to live in unsafe or defective homes while navigating unnecessary bureaucratic hurdles designed to benefit contractors.

Another major concern is that the bill allows contractors to dictate the terms of repair or settlement, including partial remedies that may not fully address the defects. If a homeowner rejects a contractor's offer and seeks legal action, they risk having their recovery limited to the original offer amount and may even be responsible for covering the contractor's legal fees. This provision discourages legitimate claims and creates an unfair advantage for contractors.

Furthermore, HB420 HD3 undermines homeowners' access to insurance remedies by stating that a notice of claim does not trigger coverage obligations. This means homeowners could be left shouldering repair costs while waiting for a resolution, placing undue financial stress on those affected by construction defects.

As a concerned citizen, I urge you to oppose HB420 HD3 and support legislation that prioritizes the rights and protections of homeowners rather than shielding contractors from accountability. Homeowners deserve fair and accessible legal recourse to ensure the safety and integrity of their homes.

Thank you for your time and consideration. I strongly encourage you to reject this bill and work toward policies that uphold homeowner rights.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:47:27 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Ruhlen	Individual	Oppose	Written Testimony Only

Comments:

I **OPPOSE** this anti-homeowner bill.

This law would benefit developers and builders at the expense of homeowners. It would simultaneously drive up the cost of litigation while limiting contractor liability for their own defects.

Requiring every class home to be inspected is unnecessary because the same defect will be seen over and over. Such a requirement would make litigation costs worse, not better. Most importantly this requirement would delay critical life-safety repairs unnecessarily prolonging homeowner exposure to hazards.

Finally, Hawai'i construction costs have skyrocketed over years. Mandating that Hawai'i homeowners accept artificially low constructor offers, or permitting developers to deploy ineffective solutions would leave homeowners without the funds needed to repair defects, placing them at risk.

I **OPPOSE** this anti-homeowner, pro-developer bill. It should never be allowed to become law.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:50:25 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

I **oppose** this outrageous anti-homeowner bill! This law would benefit developers and builders at the expense of homeowners.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:50:26 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Uapinyoying	Individual	Oppose	Written Testimony Only

## Comments:

My wife Maythawee Bitvihok and I have invested a lot in our home here in Hawaii. We are a hard working middle income couple that struggles to keep up with the cost of living, any additional cost would seriously crush our livelihoods. If the house was built substandard, we feel we should not bear the burden or at fault. The onus should be on the construction company, not us as a consumer.

We deserve the right to report the issue, get a fair access to the courts, and receive compensation for any construction defects that could pose life and safety risk to us as homeowners.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:51:51 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Unnerstall	Individual	Oppose	Written Testimony Only

## Comments:

I am writing to express my strong opposition to HB420 HD3, a bill that places undue burdens on homeowners seeking to hold contractors accountable for construction defects. This bill would significantly weaken homeowners' ability to seek timely and fair remedies for defective construction, favoring contractors over the rights and interests of property owners.

HB420 HD3 imposes excessive procedural barriers on homeowners by requiring them to submit detailed claims, including expert reports and testing results, before even initiating legal action. Many homeowners do not have the financial or technical resources to compile such evidence, effectively limiting their ability to seek justice.

Additionally, the bill mandates prolonged waiting periods and extensive negotiation processes that delay necessary repairs. Homeowners should not be forced to live in unsafe or defective homes while navigating unnecessary bureaucratic hurdles designed to benefit contractors.

Another major concern is that the bill allows contractors to dictate the terms of repair or settlement, including partial remedies that may not fully address the defects. If a homeowner rejects a contractor's offer and seeks legal action, they risk having their recovery limited to the original offer amount and may even be responsible for covering the contractor's legal fees. This provision discourages legitimate claims and creates an unfair advantage for contractors.

Furthermore, HB420 HD3 undermines homeowners' access to insurance remedies by stating that a notice of claim does not trigger coverage obligations. This means homeowners could be left shouldering repair costs while waiting for a resolution, placing undue financial stress on those affected by construction defects.

As a concerned citizen, I urge you to oppose HB420 HD3 and support legislation that prioritizes the rights and protections of homeowners rather than shielding contractors from accountability. Homeowners deserve fair and accessible legal recourse to ensure the safety and integrity of their homes.

Thank you for your time and consideration. I strongly encourage you to reject this bill and work toward policies that uphold homeowner rights.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:52:55 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryanne Tavares	Individual	Oppose	Written Testimony Only

## Comments:

I oppose Bill HB 420 per this is not a good bill to homeowners like myself who work hard and spend alot of money on purchasing our home and we are still paying for the home. We deserve as homeowners to have fair access to the courts to protect our home and the home of our children. I know constructions defects can be very expensive and I am seeing how fast these cookie cutter homes are going up and it makes me wonder, did they cut any corners, cause to me when your rushed to finish something there may be mistakes and as a homeowner, that is not fair for us cause we deserve a home that is built strong and will last long without defects or cheap products that break easily or dont last long. i would expect the home builder to care and do whats right for the people not whats right for their bottom line, but that is not always what happens. We should have rights as home owners if something was done that was not right. Please put yourself in our shoes, wouldnt you want and expect the same.

**HB-420-HD-3**

Submitted on: 3/12/2025 8:52:52 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kileigh Sanchez	Individual	Oppose	Written Testimony Only

## Comments:

I have personally been living in a DR Horton home since it was newly built in 2017. Over the last 8 years of my residence in Mehana in Kapolei, I have personally experienced MANY issues within my home that DR Horton specifically has promised and publically advertised as a reason TO purchase from them. They act as if buying a DR Horton home is the safest thing in the world, but HB420 proves that they know their construction is sub par and don't want to be liable for the issues that they've caused. My neighbors around us have ALL been affected by the choices of DR Horton to cut corners during the construction phase, even down to hiring contractors that they've hired to poorly install things like plumbing and AC that have cost us countless hours of time and money we'll never get back. My family has personally spent thousands of dollars ALONE on fixing the AC that DR Horton originally installed in our home SINCE WE MOVED IN. We have had leaks, water running down the walls, wrongly installed pipes, etc. This is just a simple example of how DR Horton runs their business - they are comfortable cutting corners and leaving the cost to the homeowners. We as homeowners deserve full and fair access to the courts to protect our homes against builder defects that they do NOT care about! I am afraid that serious construction defects pose life and safety risks to my families and community and this bill would protect the negligent builders, not the homeowners. Construction defects are too expensive for individual homeowners to repair on their own and DR Horton knows this. We as taxpaying homeowners deserve an even playing field for construction defect claims against builders like DR Horton when they decide to cut corners and if this bill is passed, we will lose ALL protection against large corporations/builders that do NOT care about homeowners - they only care about their bottom line. We deserve the right to have access to class actions because they help lots of owners band together on claims that they would not be able to pursue on their own. Protect the people of Hawai'i by OPPOSING this bill!!!



**HB-420-HD-3**

Submitted on: 3/12/2025 8:54:30 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anny Lum	Individual	Oppose	Written Testimony Only

Comments:

**I OPPOSE this anti-homeowner bill.**

**Homeowners burdon increased:** Prior to filing a lawsuit againts a contractor, homeowners must provide a detailed notice of claim. This includes specific descriptions, expert reports, photographs, and testing results. With these requirements, the homeowners are at greater impact of seek legal remedies if they lack the resources to obtain such detailed evidence.

**Resolving construction defect delays:** The bill mandates multiple procedural steps, including an inspection period and a waiting period for the contractor's response. With these proccesses in palce, this will result in homeowners wuth unresolved defects for an extenisve period of time.

**Limitations on Legal Action:** Homeowners will have at least a 90 days waiting period before filing a lawsuit. This gives contractor time and opportunities to negotiate with homeowners on repairs versus immediately seeking legal redress, potentially limiting their ability to get full compensation.

Overall, this bill has zero interest in the eyes of the homeowners.

**HB-420-HD-3**

Submitted on: 3/12/2025 9:02:46 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

## Comments:

I am writing as a local born and raised in Hawaii homeowner who is pursuing a class action lawsuit. There are serious construction defects that could pose safety risks that are important for us to investigate fully and fairly through a reasonable timeframe of homeownership when up against large construction companies. I am afraid that if HB420 goes through, the actions taken to prolong and drive up costs before fair settlements will make it not attainable for families to be represented fairly through class action lawsuits. We deserve an even playing field. Thank you for considering.

**HB-420-HD-3**

Submitted on: 3/12/2025 9:07:44 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
timothy harris	Individual	Oppose	Written Testimony Only

## Comments:

I oppose changes in H.R.420 because one of the bill sponsors built my house in Kauai and we are currently trying to get them to fix 2 major construction defects. The builder does not currently follow it's own very springent home buyer contract and passing these changes will make us citizens and home buyers even less likely to get justice in a Hawaii court of law.

Timothy J. Harris

**HB-420-HD-3**

Submitted on: 3/12/2025 9:08:39 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Bergeman	Individual	Oppose	Written Testimony Only

Comments:

I **OPPOSE** H.B. NO. 420, because it is an anti-homeowner bill.

Requirements included in H.B. NO. 420 would delay the implementation of critical life-safety repairs unnecessarily prolonging homeowner exposure to hazards. As you deliberate this bill, you should be aware that this anti-homeowner proposal would permit litigation to be long-drawn-out, not shortened, which puts Hawai'i homeowners at risk.

It has been my experience that inspection of each, and every class home with a defect is unnecessary. If defects exist, they are typically seen on a recurring basis. H.B. NO. 420 would unnecessarily require inspection of each class home, making litigation costs worse, not better, again, an anti-homeowner provision.

Mandating that Hawai'i homeowners accept artificially low payouts to make a problem go away, or permitting contractors to deploy half-baked solutions that won't stand the test of time in Hawai'i's corrosive environment, would leave homeowners with an ineffective repair, leave homeowners without the funds needed to repair critical life-safety concerns, or both. Passage of H.B. NO. 420 would put the burden on homeowners leaving them at risk.

H.B. NO. 420 would be at the expense of Hawai'i homeowners, would drive up the cost of litigation, and limit contractor liability for builder defects.

I urge you to **OPPOSE** H.B. NO. 420.

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

I strongly oppose HB420\_HD3.

Extending indemnity to bad actors is bad public policy.

My own experience with a D.R. Horton built home, not yet 15 years old is telling. The house trim is falling apart! I discovered its not wood, but make to look like wood. The defective material is sawdust and a binder with wood grain printed on the surface. This will cost tens of thousands of dollars to replace with a product more appropriate to Hawaii's damp environment. I've brought this defective material to the attention of the company representative only to be brushed off with the statement 'its a homeowner maintenance issue'. I disagree

Furthermore, D.R. Horton has many shoddy practices. Such as the windows were manufactured by a California window maker the has gone bankrupt, twice! The 'lifetime warranty' on the failed windows isn't worth the paper its printed on. D.R. Horton bought defective windows on the cheap knowing full well the homeowner will have problems with no recourse.

Bad actors must be accountable. Homeowners need protection from sharp practice from shoddy builders.

I urge the committee to vote no.

Keith Neal  
Waimea

**HB-420-HD-3**

Submitted on: 3/12/2025 9:11:35 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stanley Tam	Individual	Oppose	Written Testimony Only

## Comments:

I am writing to oppose the bill HB 420. I am against setting limit to home-builders and developers liability. I am a home owner at Hoopili. There are great concerns on D.R. Horton using substandard materials to build our homes. We may not be able to find out many of the problems with our home until many years later. In the three years of being a resident there. We already had numerous problems with our home that we can see with our eyes. Many of these problems D.R. Horton refused to fix after a year we bought our home. There were many complaints with hidden construction defects from our community against D.R. Horton.

Here are some of my personal experiences with the problems we had at our home: crack concrete walkway, rippling carpet, door misalignment, defective water meter, defective roof shingles, dying plants, unsecure door to the electric meter room, collapsed kitchen lazy daisy susan, Many of these problems we home owners had to pay for ourselves to fix and to inspect. There were one major problem we cannot even talk about because we were forced to sign an agreement not to talk about it to anyone. This particular problem affected many of our homes in my subdivision. And many of us were displaced to hotels when the repairs were done. D.R. Horton has allocated multi-million dollars each year to fight litigations against the company. And we really need the legislature and our representatives to fight for us and your constituents. Thank you very much. Please say no to HB 420.

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

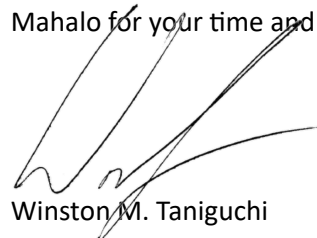
These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo for your time and consideration.

A handwritten signature in black ink, appearing to read 'Winston M. Taniguchi', is written over the printed name below.

Winston M. Taniguchi

**HB-420-HD-3**

Submitted on: 3/12/2025 9:13:52 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alyssa Goodman Bergeman	Individual	Oppose	Written Testimony Only

Comments:

I urge you to **OPPOSE** H.B. NO. 420.



**HB-420-HD-3**

Submitted on: 3/12/2025 9:16:29 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Mathes	Individual	Oppose	Written Testimony Only

## Comments:

Wholeheartedly OPPOSE this bill. D.R. Horton used extremely cheap materials which are not durable. They have continuously delayed answering my requests for warranty issues and defects in my home for over 2 years now. This Bill, HB420 would effectively give the builders in Hawaii carte blanche to build homes to whatever short cut standards they want to use.

If this bill is passed it is a signal to all Hawaiians that the legislature doesn't care about them. I am wondering who is getting paid off to even present this Bill as it is so laughable that it should even be considered at all.

Putting people into poorly constructed homes to try and solve a housing shortage is only going to generate a wave of homeowner costs later. Maybe that's the goal of the sponsor of this Bill, so the construction companies have work in the future.

OPPOSE!

**HB-420-HD-3**

Submitted on: 3/12/2025 9:16:35 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimberly Hare	Individual	Oppose	Written Testimony Only

## Comments:

I am a victim of DR Horton's substandard building practices. I am currently involved in a class action lawsuit against DR Horton to prevent this happening to myself and future home buyers.

I am opposing this bill that would allow builders to inspect every single home in a class action case which could exclude homeowners from class actions and cause massive delays from years of mitigation. Impose 10 year time limitations on contract warranty claims even if builders conceals defects or issues. Limit homeowners' ability to pursue lawsuits for certain building code violations and punish homeowners for not taking early settlement offers that may not cover the cost for repairs by the time the lawsuit is over. Limiting homeowners' rights in defect litigation without full fair access to the courts for construction defect claims homeowners would be stuck having to pay for serious defects out of our own pockets or be stuck with dangerous defects we wouldn't be able to afford to repair.

I paid a lot of money as a single 50 year old women with one income. I deserve full access to the courts to protect my home against builder defects. Defects that pose potential serious health and safety risks. I am concerned that I would not be able to repair expensive construction defects on my own. As a tax paying homeowner I deserve an even playing field for construction defects claims against builders. Class actions will help other homeowners band together on claims they would not be able to pursue on their own.

Thank you for listening,

Kimberly Hare

I am against House Bill No 420.

I believe the amendments in HB 420 are **anti-consumer, would benefit only builders and risk harm to homeowners.**

Enacting HB 420 risks incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangerous defects they can't afford to repair.

Some problems with the HB 420 amendments follow:

- Allow builders to inspect every single home in class action cases, could exclude homeowners from class actions and cause massive delays of years in litigation;
- Impose a 10-year time limitation on contract and warranty claims, even if a builder conceals defects or issues a warranty for longer than 10 years after completion of construction;
- Limit homeowners' ability to pursue lawsuits for certain building code violations
- Punish homeowners for not taking early settlement offers that may not be enough money for repairs by the time the lawsuit is over

Homeowners need state protection from negligent builders:

- Homeowners pay a lot of money for a home over a long period of time, so homeowners deserve full, fair access to the courts to protect their homes against builder defects;
- Serious construction defects pose life and safety risks to homeowners, their families, and their communities;
- Homeowners shouldn't have to worry that construction defects are too expensive for individual homeowners to repair on their own;

- Taxpaying homeowners deserve an even playing field for construction defect claims against builders;
- Hawai'i's tropical environment makes homeowners more vulnerable to construction defects when builders cut corners; and
- Class actions help lots of owners band together on claims that they would not be able to pursue on their own

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

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**Christopher Fogle**

The Honorable David Tarnas, Chair  
and Members of the House Committee on Judiciary and Hawaiian Affairs  
Hawai'i State House of Representatives  
Hawai'i State Capitol  
415 S. Beretania Street  
Honolulu, HI 96813

RE: Strong Support for HB420 HD2 – Relating to Remedies

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

As Vice President of New Development Activities at Hawaiiana Management Company, Ltd., I bring over 20 years of experience in commercial and residential property management. Since joining Hawaiiana in 2011, I have dedicated my work to supporting condominium boards and associations of apartment owners (AOAOs) across Hawai'i. My role focuses on guiding newly established boards through the complexities of community management, from budget planning and maintenance fee structuring to overseeing inspections and ensuring compliance with governing documents.

Helping these volunteer boards transition to self-management has highlighted the dedication and commitment of homeowners who step up to serve their communities. However, their lack of legal and construction expertise often leaves them vulnerable to aggressive legal tactics, pushing them into costly and unnecessary litigation over construction defects—issues that could often be resolved through more cooperative approaches.

The Contractor Repair Act was originally designed to foster collaboration between homeowners and builders, but loopholes in the current law have led to increased litigation, higher housing costs, and delayed repairs. This situation places undue financial strain on associations and disrupts the sense of community that these volunteer boards work so hard to build and maintain.

HB420 HD2 aims to restore the collaborative spirit of the original Contractor Repair Act, giving builders a fair chance to address defects before lawsuits are filed. This reform will protect our volunteer board members from undue legal pressures, promote financial stability within communities, and ensure homeowners receive the timely repairs they deserve. Additionally, it will contribute to keeping housing affordable and accessible for families across Hawai'i.

I strongly urge the committee to pass HB420 HD2 to protect our communities, support homeownership, and promote a fair and efficient process for resolving construction defects.

Mahalo for your time and consideration.

**HB-420-HD-3**

Submitted on: 3/12/2025 9:20:05 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pauline Fiene	Individual	Oppose	Written Testimony Only

Comments:

To the Committee on Commerce and Consumer Protection:

As a 40-year resident of Maui I am writing to oppose HB420. It took us 37 years to be able to purchase our first home here in Wailuku. What a joyful experience that was. Then we found out that the builder had cut some critical corners during construction – defects that we, nearing retirement, are not even close to being able to pay for. Homeowners need to have some recourse when issues such as these are found in large-scale developments, and therefore the ability to file class action suits to hold builders accountable is so important. Please protect homeowners and our communities by voting no on this bill.

~ Pauline Fiene

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

RE: Strong Support for **HB420 HD3** – Relating to Remedies

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

I am testifying in **strong support of HB420 HD3** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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

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

HB420 HD3 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass HB420 HD3 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!  
Joyce Leung  
joyce@kyinternational.com



**HB-420-HD-3**

Submitted on: 3/12/2025 9:23:01 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Yanagawa	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street  
Honolulu, HI 96813

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai‘i’s already strained housing market is not made even more inaccessible.

Hawai‘i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

**HB-420-HD-3**

Submitted on: 3/12/2025 9:27:01 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Danelle Miyamoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha everyone,

My name is Danelle Miyamoto and I want to submit testimony in opposition for house bill 420. I feel that this bill protects the larger corporations and builders, but does not protect the homeowner. Developers have shown in the past that they have done things incorrectly and taking shortcuts in order to maximize profits. This was evident with the ever by gentry hurricane clips situation As well as the situation currently going on with DR Horton. As a developer, the subcontractors that you hire should be vetted and checks and balances should be in place. If subcontractors are doing things incorrectly, It is the responsibility of the developer to identify these things and correct them along the way. There should be checks and balances in place to ensure that homes are of the quality and standard that they are advertised to be.

As someone who was born and raised in Hawaii and served in the Active Duty Army, I can tell you that when we are finally able to rest from all the missions, deployments, trainings and exercises, we would like nothing more than to feel secure in our home. All of us have worked hard to be able to afford a place where we can raise our keiki and take care of our lupus. Nothing more and nothing less. If we took shortcuts in the military, missions would fail and lives would be lost. This is why we uphold ourselves to our core values and high standards. We would expect other organizations/ corporations would have the same integrity to do the same. It is really a test of character and of testament to where their priorities lie. For the people of Hawaii who have worked hard to be able to afford these homes, please understand where we are coming from and the sacrifices we have all made. Please do not allow HB 420 to progress.

mahalo nui loa



**LATE**

**HAWAII STATE SENATE  
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
Conference Room 229 & Videoconference  
State Capitol  
9:30 AM**

MARCH 14, 2025

Subject: HB 420 HD3, Relating to Remedies

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

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

BIA-Hawaii is in strong support of HB 420 HD3, Relating to Remedies. This bill clarifies the applicability of the statute of repose for actions arising from construction defects, clarifies the required contents of a notice of claim of construction defect served on a contractor, amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect and authorize the contractor to proceed with repairs, limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy, and clarifies the consequences of rejecting an offer of settlement.

Hawaii's homebuilders are committed to delivering high-quality homes that meet or exceed industry standards. However, construction defect claims have increasingly led to costly litigation, delaying necessary repairs and driving up housing costs. HB 420 HD3 provides a balanced, pre-litigation resolution process, allowing contractors to address and repair alleged defects before homeowners file lawsuits.

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



REPLY TO HAWAII

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

KLLAWHAWAII.COM

## Testimony of Christopher Hikida

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

Re: **OPPOSITION to H.B. 420 (HD 3)**

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

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

I **OPPOSE H.B. 420** as it would make homes more costly for consumers by putting the costs for contractors' mistakes on the homeowner. It creates a significantly unequal prelitigation process by preventing homeowners from getting timely and adequate recovery, and creating a coercive process that would force homeowners to accept inadequate offers.

**I. H.B. 420 DOES NOT Achieve the Goals of Affordability, Instead Making Housing More Costly**

H.B. 420 does not achieve the goal of creating more affordable homes in Hawaii. Instead, it would make purchasing a home ultimately more costly for homeowners, as it would shift cost of repairing construction defects to the homeowners—homeowners would be responsible not only for the initial costs of purchasing a home, but for subsequent costs to repair defects created by the developers and contractors. H.B. 420 does this by making it easier for developers and contractors

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**HAWAII\***

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

**ARIZONA**

3200 North Central Avenue  
Suite 2100  
Phoenix, Arizona 85012  
602.224.7800  
602.224.7801 Fax

**CALIFORNIA (SOUTHERN)**

18100 Von Karman Avenue  
Suite 750  
Irvine, California 92612  
949.851.9000  
949.833.9455 Fax

**CALIFORNIA (NORTHERN)**

1280 Civic Drive.  
Suite 200  
Walnut Creek, California 94596  
925.906.9220  
925.906.9221 Fax

**NEW MEXICO**

6301 Indian School Road NE  
Suite 614  
Albuquerque, New Mexico 87110  
505.219.4204  
505.219.4205 Fax

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

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

H.B. 420 would hurt consumers by (1) preventing homeowners from pursuing their legitimate construction defect claims; and (2) creating an unequal bargaining field, significantly disadvantaging the homeowner while giving developers and contractors the upper hand in the resolution process. Specifically, H.B. 420 would hurt consumers by:

- Preventing Homeowners From Recovering For Violations of Numerous Building Codes, Including Violations Those Affecting Life and Safety of Residents
- Gutting Class Actions—An Important Consumer Protection Vehicle
- Forcing Homeowners to Accept Inadequate Offers
- Promoting a One-Sided Exchange of Information
- Creating Indefinite Delays to Recovery

## **II. H.B. 420 Unreasonably Strips Homeowners of the Right to Pursue Building Code Violations, Including Those That Affect Life and Safety**

H.B. 420 constrains homeowners by preventing them from bringing claims for violations of the Building Code, including life and safety building requirements. H.B. 420 allows homeowners to bring claims for “material violations” – and then states that in order to pursue claims for Building Code violations, the violations have to reasonably result in physical harm to a person or significant damage to the performance of the building.

Ultimately, H.B. 420 would put the cost of bringing homes up to code on the homeowner, and eliminate their ability to recover those costs from developers and contractors responsible for code violations. H.B. 420 also allows contractors to argue that certain disasters are unlikely to occur, leaving no remedies to fix critical fire or life safety defects until after there is a tragedy.

**III. H.B. 420 Guts the Class Action Process—a Vital Consumer Protection Vehicle Protecting Homeowners Rights to Live in Safe Homes**

Class actions provide individual homeowners who purchase homes that suffer from construction defects, with critical access to justice. It allows homeowners without funds and with common claims to collectively pursue legal action against larger developers and contractors.

Developers and contractors promoting H.B. 420 argue that by forcing every class member to go through the Contractor Repair Act process, they can repair defects in the homes without litigation. However, our experience is that developers often attempt to weaponize the Contractor Repair Act to whittle down a class and avoid having to repair numerous homes. Even where developers inspect significant portions of the class homes, they often refuse to make any offers to repair, and instead attempt to reduce the class with this same argument—that any home that did not volunteer for inspections should be removed from the class.

That argument is flawed, as the purpose of class actions is to (a) protect the rights of homeowners who may not be aware of the very serious defects that might exist in their homes and make sure that homes in Hawaii are safe and free of significant defects, and (b) ensure that a large number of homes with common defects can be addressed and resolved in a cost-effective and timely manner. Class actions are thus critical because it spreads litigation costs among the class, provides for a streamlined recovery process, and provides recovery for homeowners who would not otherwise know that significant defects exist in their house.

Many courts allow for testing of a representative sample of homes to balance the rights of the homeowners to participate in the class action process and get timely resolution, and the rights of developers and contractors to inspect and repair the defects without litigation.

H.B. 420 would *completely rewrite the way that class actions are practiced in Hawaii* by requiring every single homeowner to individually go through the Contractor Repair Act process. This would make the process significantly more costly and time-consuming. In fact, the Contractor Repair Act process already poses a significant delay for homeowners attempting to get recovery—often a single Association or home can take two years to complete the process and there is no timeline provided in the Contractor Repair Act. H.B. 420, by making the process exponentially more complicated and requiring every homeowner to go through the Contractor Repair Act, would create an *indefinite delay* in homeowners’ ability to recover.

The real reason that proponents of H.B. 420 want this bill is that it would eliminate significant portions of the class—by cutting out homeowners that don’t initially and proactively engage in the Contractor Repair Act process. However, there are many reasons that homeowners don’t initially participate in the process. For example, homeowners often do not know that these defects exist, especially when there are latent defects—such as in fire-protection systems, where the defects are not evident until there is an actual fire. This does not mean that their houses should not be fixed or that it is not important to ensure that all homes are made safe—regardless of whether the homeowner is aware of the defects. If H.B. 420 were to pass, developers and contractors would utilize the provisions to cut down the class and limit their liability, instead of genuinely attempting to resolve the defects.

#### **IV. H.B. 420 will force homeowners into accepting low-ball offers**

The provisions in H.B. 420 coerce homeowners into accepting any offer made during the Contractor Repair Act process—by essentially allowing the contractor to set the maximum allowable amount for damages. H.B. 420 states that claimant’s recovery “shall be limited to the reasonable value of the repair determined on the date of the offer and the amount of the offered



monetary payment. . . .” Thus, the contractors get to determine the repair and its scope – and the value of the offered repair or monetary payment becomes a de facto limit of the recovery.

As such, the contractor gets to unilaterally determine and set the limit on recovery, depriving the owner of having a jury determine the appropriate damages.

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. Even though Hawaii, being an assumption state, allows prevailing parties in contract claims to recover fees unless precluded by express terms in the contract. This proposed legislation abrogates that right.

The amendments under H.B. 420 would therefore allow contractors to use the procedures of the Contract Repair Act to strong-arm homeowners into accepting insufficient repairs or costs for repair, and ultimately deny homeowners sufficient recovery to repair the construction defects in their homes.

**V. H.B. 420 Promotes a Biased Process Requiring Only Homeowners to Provide Information**

H.B. 420 requires that, if available to the claimant, 'evidence' of both the nature and cause of the construction defect and necessary repairs be provided, including photographs, videotapes, and any testing done. This will provide grounds for contractors to argue that homeowners and associations have failed to meet the requirements of the Contractor Repair Act, thus making it exceedingly difficult to proceed towards a just resolution.

The current version the Contractor Repair Act already requires homeowners to provide significant information on the defects by describing the construction defect claims in detail,

providing all test results related to the claims, and providing access to contractors to inspect all testing and conduct its own testing.

In contrast, the Contractor Repair Act does not require the contractor to provide ANY information on the homes despite having constructed them. In reality, contractors have the most practical information related to the construction defects of the building and how those defects can be reasonably repaired. Contractors have all the construction documents showing how the building was actually built, which are critical for homeowners to assess the defects and necessary repairs. And yet contractors are not required to provide this or any information during the Contractor Repair Act process. As a result, homeowners and associations cannot obtain the necessary documents during the Contractor Repair Act process to adequately assess the construction defects and determine an appropriate repair and are forced to move forward to litigation—where they are finally able to obtain discovery. Contractors already take advantage of this process by refusing to move forward, arguing that homeowners have failed to provide sufficient information in order to proceed. **For example, in one case where our client requested construction documents during the Contractor Repair Act to assess the defects and proposed repairs, the general contractor, subcontractors, and developer’s response was to “den[y] this request as the responding party has no obligation to provide such documents under HRS §672E.”**

Therefore, H.B. 420 would further prejudice homeowners in what is already a biased process that requires only a one-way flow of information from homeowner to contractor.

## **VI. H.B. 420 Creates an Indefinite Delay in the Recovery Process**

The Contractor Repair Act, does not have an end date, allowing contractors and developers to indefinitely delay resolution for homeowners who are in need of timely and critical repairs. The last step of the Contractor Repair Act is mediation as required under HRS §672E-6.

However, without a deadline, developers and contractors often continuously postpone the mediation by arguing that they are not ready or that they do not have enough information. The Contractor Repair Act can take well over three years because some developers and contractors refuse to timely engage in the mediation process.

This problem is augmented in the class action context if every home is required to go through the Contractor Repair Act, as provided under H.B. 420—and would lead to an indefinite purgatory where no homeowner could move forward towards resolution until every home was inspected.

Thus, by delaying the process and failing to provide a timeline, homeowners will be unable to access timely relief to repair defects that often require immediate attention.

## **VII. Conclusion**

Developers supporting H.B. 420 attempt to frame the construction defect process as a core cause of unaffordable housing in Hawaii, without providing any actual evidence. They do not provide a solution that promotes better initial construction—which would significantly cut down on total costs. Rather, they propose changes in H.B. 420, that makes it more profitable to continue with the status quo—failing to fix the underlying issue of quality control.

However, H.B. 420 would not achieve the goals of this Committee to make housing more affordable. On the contrary, it would only allow developers and contractors to avoid liability for construction defects, and make it harder for homeowners to obtain sufficient recovery to repair the issues. H.B. 420 would ultimately shift the costs of construction defects on homeowners who will not only have to pay for housing, but will also have to pay to repair the contractors defects. Ultimately, H.B. 420 would make housing less affordable for consumers.

Thank you for your consideration.

Re: Opposition to H.B. 420

March 12, 2025

Page 8

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Chris Hikida", with a stylized flourish at the end.

Christopher K. Hikida

Kasdan Turner Thomson Booth LLC

[chikida@kasdancdlaw.com](mailto:chikida@kasdancdlaw.com)



Testimony to the Senate Committee on Commerce & Consumer Protection  
Friday, March 14, 2025  
Conference Room 229

**LATE**

Testimony in Support of HB 420 HD3 - Relating to Remedies

To: The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice-Chair  
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League (HCUL), the local trade association for 45 Hawaii credit unions, representing over 877,000 credit union members across the state.

HCUL offers the following testimony in support of HB 420 HD3, Relating to Remedies. This bill clarifies the applicability of the statute of repose for actions arising from construction defects.

This bill establishes clearer guidelines and protections for homeowners engaging in contractor repairs, reducing the risk of fraud, incomplete work, and financial disputes.

Many homebuyers in Hawaii, particularly those relying on FHA and VA loans, are currently unable to secure financing for properties within housing projects that are facing class action lawsuits related to construction defects. Lenders are often unable to approve loans for these properties due to unresolved legal disputes, leaving potential buyers without financing options and further restricting access to affordable housing. This situation exacerbates Hawaii's housing crisis by limiting homeownership opportunities for veterans, first-time buyers, and low-to-moderate-income families. HB 420 helps address these issues.

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



**LATE**

Testimony of  
Pacific Resource Partnership

Hawai'i State Legislature, Senate Committee on Commerce and Consumer Protection (CPN)  
Honorable Chair Jarrett Keohokalole and Honorable Vice Chair Carol Fukunaga  
Friday, March 14, 2025

**Subject: Strong Support for HB420, HD3 – Relating to Remedies**

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

On behalf of Pacific Resource Partnership (PRP), representing thousands of unionized carpenters and hundreds of general contractors across Hawai'i, we submit this testimony in strong support of HB420, HD3.

This bill reforms and strengthens the pre-litigation Contractor Repair Act (CRA), a critical step toward protecting homeownership opportunities, ensuring fairness in the construction industry, and addressing Hawai'i's worsening housing crisis. Today, we bring forward compelling evidence of the urgent need for this reform, spotlighting the staggering sums of money siphoned off by attorneys through predatory class action lawsuits against homebuilders.

**The Cost of Lawsuit Abuse: A Multi-Million Dollar Drain**

Hawai'i's housing market is under siege—not just from high costs and limited supply, but from a legal system exploited by mainland attorneys who prioritize profit over people. According to documented class action settlements from 2011 to 2024, a total of \$163,073,121 has been awarded in court-approved and pending settlements related to alleged construction defects across the state. Of this amount, \$62,274,428 – approximately 38% – has gone directly to attorneys in fees and costs, leaving homeowners with just 62% of the funds intended to resolve their claims.





(Continued From Page 2)

Here are some glaring examples:

- Nishimura v. Gentry Homes Ltd. (2011-2017): A \$90,341,565 settlement, with **\$35,962,583 (39.8%) awarded to attorneys.**
- Baker Jr. et al. v. Castle & Cooke (Federal, 2011-2019): A \$30,000,000 settlement, with **\$10,000,000 (33.3%) to attorneys.**
- Mitsuoaka et al. v. Haseko Homes, Inc. (2012-2021): A \$20,000,000 settlement, with **\$8,491,850 (42.5%) to attorneys.**

These figures reveal a troubling pattern: in case after case, attorneys walk away with millions, while homeowners – already burdened by a housing crisis – are left with far less than promised. This imbalance underscores the need for HB420, HD3 to restore the CRA's original intent: a cooperative process where builders and homeowners resolve legitimate defects without excessive legal interference.

### **The Human and Economic Toll**

The impact of these lawsuits extends far beyond the courtroom. As explained in a recent study by the University of Hawai'i Economic Research Organization (UHERO), predatory litigation creates a chilling effect on housing development, deterring builders from constructing the homes our communities desperately need ("Construction Defect Litigation, Housing Affordability, and Homeownership in Hawai'i," March 10). The ripple effects, as noted by UHERO, are devastating:

- Homebuyers struggle to secure federally backed loans as lenders shy away from properties tied up in litigation.
- Homeowners are trapped, unable to sell their homes or request timely repairs while lawsuits drag on for years.
- Communities suffer as housing supply dwindles, driving prices higher and pushing local families out of the market.

In many cases, homeowners lose their voice entirely. Once entangled in a class action, they cannot negotiate directly with builders for repairs. Instead, they wait – sometimes for nearly a decade – only to receive a fraction of the settlement after attorneys take their cut. For instance, in the Baker Jr. et al. v. Castle & Cooke (federal) case, each of the 2,048 class members received an average of \$8,993.30, while attorneys claimed \$10 million. This is not consumer protection – it's exploitation.

### **A Fair and Balanced Solution**

HB420, HD3 offers a lifeline to Hawai'i's housing industry and its residents by:



(Continued From Page 3)

- Ensuring timely repairs for homeowners without unnecessary lawsuits.
- Holding homebuilders accountable for legitimate defects while shielding them from abusive litigation.
- Protecting future homebuyers by stabilizing the housing market and encouraging development.
- Restoring lender confidence to finance properties free from prolonged legal battles.
- Supporting Hawai'i's construction workforce by empowering builders to continue projects without the constant threat of profit-driven lawsuits.

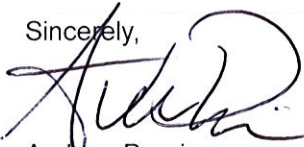
By passing this bill, you can halt the \$62 million-plus legal windfall that has enriched attorneys at the expense of homeowners and redirect resources to where they belong: fixing homes and building more housing.

### **A Call to Action**

We urge this committee to pass HB420, HD3 and take a stand against the lawsuit abuse that has drained over \$163 million from Hawai'i's housing ecosystem – 38% of which has lined the pockets of attorneys rather than helping families. This reform is a critical step toward protecting homeownership, safeguarding our workforce, and fostering an affordable, sustainable housing future for all.

Mahalo for your time and consideration.

Sincerely,



Andrew Pereira  
Director of Public Affairs  
Pacific Resource Partnership





**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 10:27:34 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Oppose	Written Testimony Only

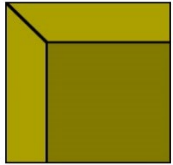
Comments:

Aloha!

The Free Access Coalition OPPOSES HB420 that would shift the cost of construction repairs to buyers of homes rather than the construction companies who did the sub-standard work. This is NOT FAIR.

We hope you will shelve this draconian bill.

Mahalo for your time.



## Newport Pacific Cabinets, Inc.

99-129 B WAIUA WAY, AIEA, HAWAII 96701

O: 808.486.6008 | F: 808.486.6668 | info@npcabinets.com



March 11, 2025

*The Honorable Scot Matayoshi, Chair  
and Members of the Committee on Commerce and Consumer Protection  
Hawai'i State House of Representatives  
Hawai'i State Capitol  
415 S. Beretania Street Honolulu, HI 96813*

**LATE**

*RE: Strong Support for **HB420 HD3**— Relating to Remedies*

*Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee,*

I am testifying in strong support of HB420 HD1 because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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

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

HB420 HD1 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass HB420 HD1 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Stephen Yuen  
President

# ***SAH - Subcontractors Association of Hawaii***

***1188 Bishop St., Ste. 1003\*\*Honolulu, Hawaii 96813-2938***

***Phone: (808) 537-5619 ✦ Fax: (808) 533-2739***

March 14, 2025

**LATE**

Testimony To: Senate Committee on Commerce and Consumer Protection  
Senator Jarrett Keohokalole, Chair

Presented By: Tim Lyons, President

Subject: H.B. 420, HD 3 - RELATING TO REMIDIES

Chair Keohokalole and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The SAH represents the following ten separate and distinct contracting trade organizations. We support the effort in this bill.

HAWAII FLOORING ASSOCIATION

ROOFING CONTRACTORS ASSOCIATION OF HAWAII

HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION

ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

TILE CONTRACTORS ASSOCIATION OF HAWAII

PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII

SHEETMETAL AND AIR CONDITIONING NATIONAL CONTRACTORS ASSOCIATION OF HAWAII

PAINTING AND DECORATING CONTRACTORS ASSOCIATION

PACIFIC INSULATION CONTRACTORS ASSOCIATION

HAWAII ARCHITECTURAL GLASS AND METAL ASSOCIATION

We find that the Contractor Repair Act has worked well over the years, until recently. It is time to update it and provide relief for both consumers, builders and contractors.

It is our understanding that this version has been arrived at based on give and take from all sides and we hope the Committee will undertake a review based on that premise. Resolving issues is always difficult in the construction process but it would appear to us that this version strikes a balance on all sides.

We support passage of this resolution to the current litigation mess that we are in.

Thank you.



## Testimony to the Senate Committee on Commerce and Consumer Protection

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

Friday, March 14, 2024, at 9:15AM  
Conference Room 325 & Videoconference

**LATE**

### RE: HB420 HD3 Relating to Remedies

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

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber supports House Bill 420 House Draft 3 (HB420 HD3), which clarifies the applicability of the statute of repose for actions arising from construction defects. Repeals the two-year limitation for actions arising from construction defects. Clarifies the required contents of a notice of claim of construction defect served on a contractor. Specifies that claimants must comply with the Contractor Repair Act and bars persons from joining a class for failure to comply with the Contractor Repair Act. Amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect. 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.

HB420 HD3 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 urgently requires clear, balanced regulations to ensure construction defect disputes are resolved fairly for both homeowners and contractors. This measure tackles that need by refining the statute of repose and stipulating that only material building code violations warrant legal action. It also strengthens the notice-of-claim process, requiring claimants to provide specific evidence and giving contractors adequate opportunities to inspect and remedy potential defects, thereby reducing unwarranted litigation and encouraging timely, cost-effective repairs.

By clarifying timelines and establishing rigorous inspection and settlement procedures, these amendments protect all parties involved and foster efficient resolutions when legitimate defects arise. The Chamber supports this proposal because it offers a more transparent, streamlined framework for addressing construction disputes, helps contain legal costs, and contributes to a more stable construction industry in Hawaii.

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 420 House Draft 3. Thank you for the opportunity to testify.

**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 2:07:26 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
William Parker	Testifying for Kahiwelo HOA President	Oppose	Written Testimony Only

Comments:

This bill is an anti-consumer, would benefit only builders and create increased risk and potential harm to homeowners. This bill incentivizing builders to cut corners by limiting homeowner rights in construction defect litigation. Without full, fair access to the courts for construction defect claims, homeowners would be stuck having to pay for serious construction defects out of their own pockets or stuck with dangers defects they can't afford to repair. We need to hold residential developers to higher standards of performance instead of giving them legal loopholes to skirt requirements and the lowest possible cost passing on greater increased risk to homeowners. Hawaii is already one of the most expensive places to live yet we allow mass production of some of the lowest quality homes in the country. We have not had a major hurricane since 1991, it is simply a matter of time and when the next storm hits, the level of devastation will bankrupt this state and everyone who lives here. I urge the legislature to not pass this bill. As an HOA president for 468 residential homes, the level of challenges we see in our community that is less than 15 years old are issues most do not deal with until year 30 or more. The low-quality products used on construction combined with low quality of construction lead to inferior homes that are grossly overpriced, with a high cost of maintenance and sustainment that forces many to ignore until a catastrophic event.

William Parker

HOA president, Kahiwelo of Kapolei

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



Testimony for HB420 HD3 – Relating to Remedies

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

My name is Michael Santilena, and I am a General Contractor with firsthand experience dealing with the detrimental effects of the current Contractor Repair Act. As a resident of The Peninsula at Hawai'i Kai, a community of 630 single- and multi-family apartment homes and condominiums, I have witnessed how construction defect litigation—driven by attorneys rather than homeowners—has resulted in severe financial and structural consequences for our community. I am testifying in strong support of HB420 HD3, which proposes necessary reforms to the Contractor Repair Act to protect homeowners from predatory legal tactics that worsen rather than resolve construction issues.

### **The Problem: A System That Encourages Lawsuits Over Repairs**

Our association, like many others, was approached by defect attorneys who presented a compelling but misleading argument: file a lawsuit against the developer, defer maintenance in the meantime, and secure a large financial settlement. We were told that:

- We had up to ten years to pursue claims against the developer.
- If we filed a lawsuit, investigative discovery would reveal defects.
- We could defer all maintenance because the lawsuit would cover necessary repairs.
- The developer's insurance would ultimately pay, ensuring the community's financial security.

At face value, this sounded like a responsible course of action. However, the reality was far from what was promised.

### **The Reality: A Costly and Damaging Experience**

Once the lawsuit was filed, the attorneys engaged in an extended discovery period, during which forensic reports were generated. As a General Contractor, I reviewed these reports and found them to be largely inconsequential, many items never truly stood out as a significant defect. Despite this, the attorneys proceeded with the case, accumulating enormous legal fees along the way, reassuring us that they would be paid at the settlement stage.

After years of back-and-forth negotiations, our community received a settlement that amounted to only 10% of the original claim. The money was then handed over to an inexperienced association

board, many of whom had personal agendas and lacked the expertise to manage such funds effectively. There was no meaningful oversight, and as a result:

- The majority of the alleged construction defects cited in the lawsuit were never addressed.
- Essential repairs were neglected, leading to worsening conditions.
- The protracted litigation process stretched on for 13 years, during which the property deteriorated further due to deferred maintenance.
- By the time the settlement funds were received, the damage had compounded, requiring more extensive and costly repairs.
- The repairs that were eventually undertaken were poorly executed, leaving the community in worse condition than before the lawsuit was filed.

### **The Impact on Homeowners**

Perhaps the most egregious consequence of this broken system is the toll it takes on homeowners. Throughout the litigation, we were forced to watch our community deteriorate, unable to perform even basic maintenance because of legal constraints. Simple issues—such as caulking, painting, and gutter maintenance—were ignored. These minor issues then snowballed into major problems, leading to severe water damage, flooding, and structural decay.

For instance, clogged gutters and downspouts that could have been cleared through routine maintenance instead caused significant water intrusion. When rains came, clogged drains led to courtyard flooding. Because of the litigation-driven deferral of maintenance, what should have been a minor repair turned into a major reconstruction project—costing far more than it should have.

At the end of this process, we were left with a reality that no homeowner should have to face: a community in worse condition than before the lawsuit and a legal system that prioritizes attorney profits over homeowner interests.

### **The Need for Reform: Why HB420 HD3 is Critical**

HB420 HD3 introduces much-needed reforms to the Contractor Repair Act, ensuring that homeowners are not misled into costly, prolonged legal battles that leave their communities worse off. This legislation:

- Encourages early repairs rather than unnecessary lawsuits.
- Requires greater oversight of settlements and how funds are used.
- Limits attorneys' ability to exploit homeowners and association boards.
- Ensures that communities focus on maintenance and upkeep, rather than delaying repairs in pursuit of unrealistic legal settlements.

Had these reforms been in place when our association was first approached, we could have prioritized fixing problems rather than filing lawsuits. Instead of wasting more than a decade in



litigation, our community could have directed its efforts toward practical and timely repairs that would have preserved our property values and quality of life.

### **Conclusion**

I urge this Committee to pass HB420 HD3 to protect homeowners and communities from the predatory litigation practices that have plagued associations like ours. We must ensure that our laws serve the best interests of homeowners—not attorneys seeking excessive legal fees at the expense of our homes and financial well-being. Reforming the Contractor Repair Act is necessary to prevent further exploitation and to restore integrity to the process of addressing construction defects.

Thank you for your time and consideration.

**Michael Santilena**

General Contractor

Resident, The Peninsula at Hawai'i Kai

William M. McKeon  
215 Naniloa Drive  
Wailuku, Hawaii 96793

March 12, 2025

The Senate - Committee on Commerce and Consumer Protection  
The Thirty-Third Legislature, Regular Session of 2025

### **Testimony in Opposition to HB 981 RELATING TO REMEDIES**

Dear Chair, Vice-Chair and Committee Members,

I write to strongly **oppose** House Bill 420, HD 3 (HSCR 1162) which still favors wealthy mainland developers and builders at the expense of local homeowners, especially those in Lahaina.

I have lived full-time on Maui for the past 40 years with my Maui born and raised wife, a retired public school teacher. As a resident and attorney working daily to help about 600 Lahaina fire victims rebuild, I have deep concerns about the high costs this bill will impose on homeowners.

Large developers do not pay to repair construction defects. They purchase insurance to pay for construction repairs, pass that expense on to owners in the sales price they charge, and then market to owners that they are getting the protection of an extended warranty that will repair defects. Owners turn to lawyers for help only when the developer and its insurers refuse to repair construction defects after notice, or offer a cheap, improper "fix".

National developers and builders have vast resources to propose this type of legislation in an effort to avoid accountability for building code violations and construction defects. For example, D.R. Horton has a market capitalization of over \$40 billion (<https://companiesmarketcap.com/dr-horton/marketcap/>) and net income of \$4.8 billion (<https://www.macrotrends.net/stocks/charts/DHI/dr-horton/net-income>). This bill will make it harder for homeowners to get their homes repaired.

As evidenced by the rebuilding following Hurricane Iniki in 1992, Hawai'i has already seen the consequences of rushed and substandard construction in the aftermath of a disaster. This bill as written would embolden wealthy developers and builders to prioritize profit over safety, fast-tracking construction with little regard for building code compliance, quality or long-term repair and maintenance costs. Over 2,200 homes and buildings will be constructed in Lahaina in the coming years, and erecting hurdles to owners getting their homes repaired will cost Lahaina owners millions of dollars.

Local homeowners, who are already struggling, will bear the financial burden of the hurdles and penalties being proposed.

Thank you for your time and consideration.

William M. McKeon

March 12<sup>th</sup>, 2025

Subject: Opposition to HB 420

**LATE**

Dear Committee on Commerce and Consumer Protection,

I strongly oppose HB 420. We are proud to live, plant roots in, and grow our family here in Hawai'i. Outside developers are seeking to take advantage of the residents in the state of Hawai'i, by building faulty homes and refusing to take responsibility for their poor construction standards. Hawaiian residents face a difficult enough time finding funds to purchase a home and pay for the home within a single lifetime. Often, generations of families must live under one roof. A home in Hawaiian is often the single most expensive investment a family will make in their lifetime, and grandparents, parents, and children, as well as extended family, depend on that shelter and foundation. By allowing builders be free of liability for defective craftsmanship, it is Hawaiian residents, not the outside builders and developers, that become taken advantage of, and for hundreds of thousands, even millions of dollars. HB420 incentivizes corporate companies to take advantage of and exploit Hawaiian residents, in violating codes meant to protect us. Home owners become the victims as builders do a bait and switch, which could disastrously leave generations of families homeless. Defective craftsmanship in home building may not become apparent for years, even decades. But these houses are meant to be an investment and foundation for many decades beyond that, and could render the hard earned funds Hawaiian residents work for worthless if the house is lost due to faulty construction.

I strongly urge you to support and protect Hawaiian homeowners by opposing HB 420.

Sincerely,

Emily Goulet

**LATE**

## **HB 420 Testimony**

**This bill is strongly against your Constituents. They voted for you to do what's best for them which is, in part, protecting their rights!**

1. **Fairness** – Homeowners don't have the funds or legal expertise to fight many Claims.
2. **Timing** – Many defects show up in structures long past the date of this bill but within the current 10 years.
3. **Increased Burden on Homeowners** – Homeowners must provide a detailed notice of claim before filing a lawsuit against a contractor. This includes specific descriptions, expert reports, photographs, and testing results. This requirement could make it more difficult for homeowners to seek legal remedies if they lack the resources to obtain such detailed evidence.
4. **Delays in Resolving Construction Defects** – The bill mandates multiple procedural steps, including an inspection period and a waiting period for the contractor's response. These steps could significantly delay necessary repairs, leaving homeowners with unresolved defects for extended periods.
5. **Limitations on Legal Action** – Homeowners must wait at least 90 days before filing a lawsuit. If the contractor makes an offer to repair, the homeowner may be forced to engage in negotiations rather than immediately seeking legal redress, potentially limiting their ability to get full compensation.
6. **Reduced Insurance Protections** – The bill states that a notice of claim does not trigger an insurance claim, meaning homeowners may not have immediate access to insurance-backed remedies. This could

leave them financially burdened with the cost of repairs while the legal process unfolds.

7. **Potential for Inadequate Repairs** – The bill allows contractors to propose their own remedies, including partial fixes or settlements, which could be insufficient to fully address the problem. If a homeowner rejects a contractor's offer, their recovery in court may be limited to the originally proposed repair cost.
8. **Discouraging Legal Action** – If a homeowner takes legal action but does not obtain a more favorable judgment than the contractor's offer, they may have to cover the contractor's legal costs. This provision could deter homeowners from pursuing legal claims even when their case is valid.

March 12, 2025

**LATE**

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

Re: Testimony in SUPPORT of HB420 HD3

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the 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 stand on my previous testimony in relation to this bill. With respect to the current version, I support HB420 HD3 ("**HD3**") because it is an improvement on the existing Contractor Repair Act.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market. A recent report by the University of Hawaii Economic Research Organization emphasizes the costs such litigation impose upon potential homebuyers.<sup>1</sup>

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that

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<sup>1</sup> Available at <https://uhero.hawaii.edu/wp-content/uploads/2025/03/ConstructionDefectLitigation.pdf>.

The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair  
Hawai'i State Capitol  
415 S. Beretania Street  
Page 2

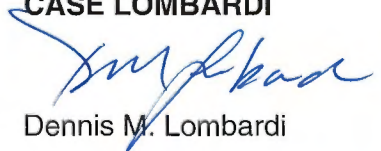
legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Very truly yours,

**CASE LOMBARDI**



Dennis M. Lombardi

**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 10:34:23 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Nerney	Individual	Oppose	Written Testimony Only

Comments:

HB 420 HD3 remains anti-consumer legislation. Immunizing developers and contractors from liability for design and construction defects shifts the risk of loss onto consumers who have purchased housing.

The argument that construction defect litigation imposes a barrier to entry into the housing market fails to take into account that it is appropriate to require developers and contractors to bear responsibility for deficient and defective work.



**HB-420-HD-3**

Submitted on: 3/12/2025 10:45:30 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Jinky Arellano Agtarap	Individual	Oppose	Written Testimony Only

## Comments:

My name is Jinky Agtarap, Im writing in opposition of HB 420, because I currently have a unit with multiple cracks on the ceiling and walls. DR Horton is proposing to complete repairs on the month when my warrantly expires, but my concern is what if there are other issues and if there are other underlying issues that's not visible. Im a single working mom and my parents helped me to get a home, but I was not expecting to have these much issues with it. I don't want to be stuck with further costly repairs if I'm no longer covered under DR Horton's warrantly period. If I bought a lemon house, I should be given a home without defects.

**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 11:07:53 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimberly Biggs	Individual	Support	Written Testimony Only

Comments:

The Honorable Jarrett keohakalole, Chai

and Memembers of the Commerce and Consuner Protect

Hawaii State Senate and Hawaii Sta Capitol

Aloha,

I am reaching out to you today in support of HB420 HD3 Relating to Remedies. Homeownership is a dream that all people desire and once obtained the thrill and excitement is long lasting. Homeownership is important to society for many reasons such as it instills pride of home and community, builds financial stability and provides a safety net for household members.

Here in Hawaii homeownership comes at a high cost and at times most families have one or both owners working more than one job to make ends meet. When unforeseen issues arise in the home this causes more stress on the familes which can cause more stress on relationships in and outside of the home. If contractors canremdy the issue right away then the familes can get back on track and live their lives without this added stressor.

By not passing this bill you are actually hindering the process between contractors and owners being able to communicate and have the repairs done. Let's get the job done and let's keep families from having to wait and wonder what and when will their home be fixed. This home is their dream and their investment, we need to find ways to make the process seamless for both the contractor and homeowner. This bill supports both parties and is designed to prevent costly litigation and even higher costly repairs due to the added expense of any litigation.

Let's keep the opportunity to buy an affordable home a reality and not pass costly litigation into the price of a new home. We are such a small community here, we all shop at the same stores, our kids go to the same schools and we all swim in the same ocean. We must learn to work together and keep cost down and continue to build communities. HB420 HD 3 will foster this process of building communities by which the contractors and homeowners work together.

Thank you so much for your consideration, you hold the power to make this happen for all concerned.

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



Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

Anne Sasso



**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 12:49:55 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Robinson	Individual	Oppose	Written Testimony Only

Comments:

I very strongly oppose HB420. This bill puts the burden of repair on the homeowner when a developer uses subpar construction. This is unfair and should not become law.

Please shelve this bill and let it advance no further.

Patricia Robinson, Kapolei

**HB-420-HD-3**

Submitted on: 3/12/2025 1:29:41 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Tyler Lau	Individual	Support	Written Testimony Only

Comments:

*The Honorable Jarrett Keohokalole, Chair*

*and Members of the Committee on Commerce and Consumer Protection*

*Hawai‘i State Senate*

*Hawai‘i State Capitol*

*415 S. Beretania Street Honolulu, HI 96813*

*RE: Strong Support for **HB420 HD3** – Relating to Remedies*

*Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee, I am in strong support of this bill for the future of Hawaii's housing. After gaining an understanding of what its purpose is and how it will impact development of our islands as well as housing prices, I feel that it is necessary to keep Hawaii home for many of our local residents. Furthermore, without some meaningful laws being past to protect both the developer and homebuyers, investment by developers will become scarce and will reduce construction in Hawaii; leading to a reduction of work for Hawaii's labor force.*

*Thank you,*

*Tyler Lau*

**HB-420-HD-3**

Submitted on: 3/12/2025 2:45:04 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Paul Fukuda	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.



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

**LATE**

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

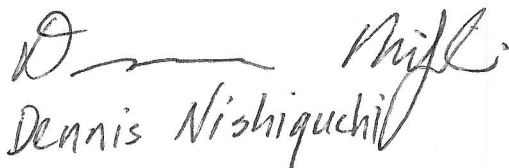
These legal loopholes do not protect homeowners—instead, they create a system where lawsuits take precedence over solutions. Rather than focusing on getting timely and fair repairs, homeowners are drawn into protracted legal disputes that often leave them worse off. For first-time homebuyers, particularly those using government-backed mortgages, these barriers can be the deciding factor that puts homeownership permanently out of reach.

HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo!

  
Dennis Nishiguchi

**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 4:58:03 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

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

Comments:

The Honorable Jarrett Keohokalole, Chair

and Members of the Committee on Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for **HB420 HD3** – Relating to Remedies

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

I am testifying in **strong support of HB420 HD3** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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

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

HB420 HD3 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

I urge the committee to pass HB420 HD3 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

Derrick Ching

derrickc@kyinternational.com

**LATE**

**HB-420-HD-3**

Submitted on: 3/12/2025 5:23:04 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Victoria Francois	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my **strong and personal opposition** to HB 420, a bill that unfairly limits homeowners' rights and protects builders at the expense of the very people who make up our communities—homeowners like me, my neighbors, and countless other hardworking individuals who have invested in their homes with trust and good faith.

I am a **veteran who served this country with honor and dedication**, sacrificing years of my life to protect the rights and freedoms of American citizens. I fought for the principles of fairness, justice, and accountability—yet now, I find myself fighting again, this time against **big corporations trying to strip homeowners like me of our basic rights**. I did not serve my country just to come home and be **exploited by wealthy developers who care more about their profits than the people they build homes for**.

If this bill passes, it will make it nearly impossible for homeowners to hold builders accountable for shoddy, defective, or unsafe construction. This will **not only cause severe financial hardship but also put the safety of families at risk**.

HB 420 introduces several alarming provisions, including:

- Allowing builders to **inspect every home in a class action**, delaying cases indefinitely and creating an unfair advantage for the builders.
- Imposing a **strict 10-year limit on claims**, even for defects that remain hidden for years, leaving unsuspecting homeowners with no recourse.
- **Stripping homeowners of their ability to sue for building code violations**, removing a critical avenue for seeking justice.
- **Punishing homeowners who reject lowball settlement offers**, forcing many to accept unfair deals rather than fight for what is rightfully theirs.

As a homeowner in Hawai'i, I **personally know how devastating construction defects can be**. Home repairs due to negligent building practices can cost thousands—or even tens of thousands—of dollars, a burden that many families simply cannot bear. Worse yet, hidden structural or electrical issues could put lives at risk. We have already seen builders cut corners, leaving homeowners to foot the bill. **This bill only gives more power to negligent builders and leaves homeowners defenseless.**

This bill is an outright attack on **Hawai‘i’s ‘ohana—the hardworking families who sacrifice so much to provide a safe and stable home for their keiki.** The people of Hawai‘i work tirelessly to afford a home in one of the most expensive housing markets in the country. **This bill betrays them.** It puts parents in the devastating position of choosing between fighting expensive legal battles or living in a home riddled with dangerous defects that threaten their children’s safety. Families should never have to worry that the roof over their heads could collapse or that faulty wiring could put their loved ones at risk—all because a developer cut corners and now refuses to be held accountable.

I know I am not alone in this. Many of my neighbors have faced serious issues with their homes, from faulty wiring to plumbing failures and even dangerous structural problems. In some cases, these issues were not discovered until years after purchase, making it impossible to hold the builder accountable under HB 420’s unjust limitations. This bill is a blatant attempt by large construction companies to avoid responsibility, at the cost of families who simply want a safe and stable home.

I served my country to protect the American dream, not to watch it be sold off to the highest bidder. Homeownership is one of the most significant investments a person can make. **The State Legislature should be working to protect homeowners—not siding with corporate builders who prioritize profits over safety and quality.** The passage of HB 420 would set a dangerous precedent, discouraging accountability in the construction industry and placing an unfair burden on homeowners.

**I strongly urge you** to stand with homeowners, not corporations, and **vote NO on HB 420.** Protect the rights of those who have worked hard to build a life here in Hawai‘i, and do not let builders escape accountability for their actions.

I served this country with pride—now, I ask you to serve the people of Hawai‘i by **rejecting HB 420** and standing up for the hardworking homeowners who deserve fair treatment and protection.

Mahalo nui loa for your time and consideration.

**HB-420-HD-3**

Submitted on: 3/12/2025 5:49:46 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Lichelle Fernando	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

The homes on the Hawaiian islands have gotten so expensive, some of us are barely making ends meet. We just absolutely cannot afford to be fixing new construction where these developers are building homes for quantity and not quality. I strongly feel they should be held accountable for the homes they are building or contracting to be built. They make so much money off of us, the least they could do is take responsibility and make things right.

**HB-420-HD-3**

Submitted on: 3/12/2025 6:03:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Cherlyn Jensen	Individual	Oppose	Written Testimony Only

## Comments:

I oppose this bill as a homeowner. I feel that the enactment of this bill would allow contractors to cut corners and use cheaper materials for our homes. Through class action lawsuits, we are able to protect the whole community and be able to mitigate the issues within the community. allowing this bill to pass would make each homeowner fight for themselves for a problem that may be affecting the entire community. Please do not pass this bill.

**HB-420-HD-3**

Submitted on: 3/12/2025 6:58:54 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB420. After doing my research, this bill is better for individual homeowners instead of allowing class action where the attorneys get their fee and the homeowners do not receive sufficient funds to complete any defects.



**HB-420-HD-3**

Submitted on: 3/13/2025 6:59:15 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Patricia Van Kuran	Individual	Support	Written Testimony Only

Comments:

March 13, 2025

The Honorable Senator Jarrett Keohokalole, Chair

The Honorable Senator Carol Fukunaga, Vice Chair

and Members of the Senate Committee on Commerce and Consumer Protection

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street  
Honolulu, HI 96813

RE: Strong Support for HB420, HD3 – Relating to Remedies

Aloha Chair Keohokalole, Vice Chair Fukunaga and Committee Members,

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

I am testifying in **strong support of HB420, HD3** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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

The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. I really see how this affects buyers with the fewest resources. They need lower down payment options like FHA, VA, or Fannie Mae/Freddie Mac with Private Mortgage Insurance and these types of loans are usually the first to pull out of condo projects under litigation, no matter how severe or valid the lawsuit is. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting timely repairs. Even entire communities have suffered, with some homeowner associations advised to neglect maintenance to strengthen legal claims, leaving shared spaces in disrepair.

HB420 HD2 helps address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders have the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and makes the process fairer for homeowners. This bill will help keep housing affordable, protect communities, and ensure homeowners get the timely repairs they deserve.

**I urge the committee to pass HB420 HD3** to support homebuyers, homeowners, and Hawai‘i’s housing future.

Mahalo!

Patricia Van Kuran, NMLS #879707

Vice President & Private Banking Mortgage Loan Officer

First Hawaiian Bank

**HB-420-HD-3**

Submitted on: 3/13/2025 7:10:51 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Jimmy Hazelwood	Individual	Oppose	Written Testimony Only

## Comments:

I purchased my home new from DR-Horton. When we viewed the model homes we were very excited and looking forward to moving in. There were many defects found within the first year and DR-Horton was responsive in fixing them; however, like the defective mounting products used by the builder are unseen unless we open up the walls or siding, as we do things around the home we are finding many shortcuts the builder and/or their subcontractors had taken in an effort to complete the build or save on money spent. Some of these include missing wall structure, the wall pushes in where there should be a steel frame. Insulation missing or not properly installed causing the home to be less efficient in regards to outside noise and maintaining heat or cold as it should be. Builders need to be held accountable for longer than 1 year towards defects found in the home as many will not be discovered for maybe a decade or so; the products used should at a minimum last at least 10 years, in fact structure should last at least 20 years and should be warranted for that amount of time.

**LATE**

**HB-420-HD-3**

Submitted on: 3/13/2025 7:25:45 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Queypo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as this bill erodes the rights of property owners by limiting their ability to seek recourse for construction defects. By shortening timelines and restricting damage recovery, it shields negligent contractors at the expense of homeowners and unfairly burdens those who have suffered losses due to faulty construction.

Mahalo,

J. Queypo

**LATE**

**HB-420-HD-3**

Submitted on: 3/13/2025 9:19:00 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Thierbach	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB420, which would shift the cost of construction repairs to buyers of homes rather than the construction companies who did the sub-standard work. This is NOT FAIR. We hope you will shelve this draconian bill.

#### 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

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Brittany Heyd  
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Josh Wisch  
*President & Executive Director*

827 Fort Street Mall, 2<sup>nd</sup> Floor  
Honolulu, Hawaii 96813

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

HolomuaCollaborative.org

**LATE**

**LATE**

**Committee:** Senate Committee on Commerce and Consumer Protection  
**Bill Number:** HB 420 HD3, Relating to Remedies  
**Hearing Date and Time:** March 14, 2025 at 9:30am (Room 229)  
**Re:** Testimony of Holomua Collaborative - Support

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

We write in support of HB 420 HD3, Relating to Remedies. This bill clarifies the applicability of the statute of repose for actions arising from construction defects and repeals the two-year limitation for actions arising from construction defects. It clarifies the required contents of a notice of claim of construction defect served on a contractor. It specifies that claimants must comply with the Contractor Repair Act and bars persons from joining a class for failure to comply with the Contractor Repair Act. 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



**LATE**

**LATE**

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

March 14, 2025

Senate Committee on Commerce and Consumer Protections

Hawai'i State Capitol

Honolulu, HI 96813

**RE: SUPPORT for HB 420 HD3 - RELATING TO REMEDIES**

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

On behalf of Hawai'i YIMBY, we are writing in **support of HB 420 HD3** 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 provide appropriate protections for our homeowners. We would like to emphasize that the intent of this bill is to continue to protect homeowners who encounter legitimate defect claims by defining a reconciliation process that requires a good faith effort from home builders to provide an appropriate and timely repair. The homeowners' right to litigate a claim is maintained, and should be the final step taken, not the first. In a housing crisis with limited supply, limited financing, and skyrocketing construction and insurance costs, we cannot





**Hawai'i YIMBY**  
Honolulu, HI 96814  
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continue to allow time and money consuming litigation to be the first path chosen towards reconciliation of construction defect claims.

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.

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





**LATE**

**LATE**

March 14, 2025

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

**Strong Support of HB 420, HD3 RELATING TO REMEDIES (Clarifies the applicability of the statute of repose for actions arising from construction defects. Repeals the two-year limitation for actions arising from construction defects. Clarifies the required contents of a notice of claim of construction defect served on a contractor. Specifies that claimants must comply with the Contractor Repair Act and bars persons from joining a class for failure to comply with the Contractor Repair Act. Amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect. 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. Effective 7/1/3000. [HD3])**

**CPN Hearing: Friday, March 14, 2025, 9:00 a.m.**  
**State Capitol, Conference Room 229 & Videoconference**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF is in **strong support of HB 420, HD32 relating to Remedies.**

**HB 420, HD3:** This measure clarifies the applicability of the statute of repose for actions arising from construction defects; repeals the two-year limitation for actions arising from construction defects; clarifies the required contents of a notice of claim of construction defect served on a contractor; specifies that claimants must comply with the Contractor Repair Act and bars persons from joining a class for failure to comply with the Contractor Repair Act; amends the process and time frame for a claimant to accept a contractor's offer to settle or inspect; limits the amount a claimant can recover if the claimant rejects a contractor's reasonable proposal for inspection or a reasonable offer to remedy; and clarifies the consequences of rejecting an offer of settlement.

**LURF's Position.** LURF understands that the intent of the Contractor Repair Act codified in chapter 672E, Hawaii Revised Statutes (HRS), and the statute of repose, section 657-8, HRS was to foster a cooperative, good-faith process between builders and homeowners to address legitimate construction defects.

However, there is evidence that the existing system has failed in its purpose to assist parties in the early resolution of claims and has been unsuccessful in providing a clear framework for resolution of construction defect claims. It appears that this lack of clarity has also resulted in excessive legal claims against new developments that have had far-reaching consequences, including increased construction costs, higher insurance premiums, and more restrictive lending conditions. This lack of clarity has also reduced the effectiveness of the above-referenced statutes by making it more difficult for all parties to resolve construction disputes fairly, resulting in inconsistent rulings and prolonging the dispute-resolution process.

LURF believes that this measure could help to restore a fair dispute-resolution process for resolving construction defects, which will promote a more sustainable and affordable housing market in Hawaii.

For the above reasons, LURF is in **strong support of HB 420, HD3 relating to Remedies**, and respectfully urges your favorable consideration.

Thank you for the opportunity to provide comments in support of this measure.

**HB-420-HD-3**

Submitted on: 3/13/2025 11:42:53 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

**LATE**

Submitted By	Organization	Testifier Position	Testify
Karen Luke	Individual	Oppose	Written Testimony Only

Comments:

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

I oppose HB420, HD3, as it is currently written. Home ownership is the biggest expense in my and most people's lifetime. The pride and emotions that go with such a large investment can at times overwhelm a person and finding problems with little to no experience in design and construction, takes time to collaborate and learn what needs to be done to ensure you have the product that you paid for.

Please protect the consumer and oppose this bill as it is written.

Mahalo for your consideration.

Aloha,

Karen Luke in Ewa Beach

**HB-420-HD-3**

Submitted on: 3/13/2025 11:50:27 AM

Testimony for CPN on 3/14/2025 9:30:00 AM

**LATE**

**LATE**

Submitted By	Organization	Testifier Position	Testify
Walter Miske	Individual	Oppose	Written Testimony Only

Comments:

Oppose. As a home owner, I reserve the right for fair compensation versus home builders.

**LATE**

**LATE**

**HB-420-HD-3**

Submitted on: 3/13/2025 2:04:08 PM

Testimony for CPN on 3/14/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Doral EmsleyPai	Individual	Oppose	Written Testimony Only

Comments:

This needs better language. Developer should be held accountable in a timely matter to get the "fixes " done on poor construction. Your talking a million dollar home and their are problems, oh hell no. Should be perfect from the moment owner takes possession.

The Honorable Jarrett Keohokalole, Chair  
and Members of the Commerce and Consumer Protection  
Hawai'i State Senate  
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**LATE**

**LATE**

March 12, 2025

Subject: Strong Support for HB420 HD3 – Relating to Remedies

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

I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Aaron Louch

The Honorable Jarrett Keohokalole, Chair  
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Mahalo,

Adolfo A. Miranda



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Mahalo,

Alden Māhoe

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Mahalo,

Alexander R. Anjagay

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Mahalo,

Andrew Maberry

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Mahalo,

Ashton Batara

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Mahalo,

Ben Ningeok-Ross

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Mahalo,

Bobby Brown

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Mahalo,

Branigan T. Lee

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Mahalo,

Bruce Zulueta



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Mahalo,

Butch Baptist

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Mahalo,

Carel Daniel Pancipanci

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Chace Akina

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Chanso Rulona

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Christopher Pena

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Clinton Joseph Hatori

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Corinne Parras



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Delson Kaeo



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Dino Puropen

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Mahalo,

Donovan C. Hansen

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Hawai'i State Senate  
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Efren Rufo

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Eric He

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Mahalo,

Federico Dabu

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H. Hipa

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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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HB420 HD3 restores fairness and balance to the process by ensuring that builders have the opportunity to address construction defects before a lawsuit is filed. This bill helps homeowners get the repairs they need faster and without unnecessary costs. It also ensures that legal action remains a last resort rather than the first step, reducing litigation-driven cost increases that make housing more expensive for everyone.

At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Jennifer Hipa

The Honorable Jarrett Keohokalole, Chair  
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Jester Acosto

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Johan Vandervoold

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John Carlo Visaya

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Mahalo,

Johnald G. Daguio



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Mahalo,

Jon Kunimura

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Mahalo,

Jon Marshall

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Mahalo,

Jonathan Julian

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Joseph Mikaele

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Kaipo Galeon



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Kenny Pacleb

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Keola Ogitani

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Keoni Maka

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Lawson Maneafaiga

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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

Hawai'i families already struggle to achieve the dream of homeownership, facing high costs, limited inventory, and restrictive financing options. The current flaws in the Contractor Repair Act have only made this worse, leading to unnecessary legal battles that delay much-needed repairs, drive up home prices, and discourage builders from bringing more housing to market.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Lazaro F. Cabral

The Honorable Jarrett Keohokalole, Chair  
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Mahalo,

Lott Mahiai

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Mahalo,

Lucien Maha'a

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Mahalo,

Lyle Danielson



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Matt Slade

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Mahalo,

Matthew Teixeira

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Mahalo,

Michael Tong

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Mike Yoshimoto

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Mildred Soriano

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Mahalo,

Nathan Christopherson

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Mahalo,

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Mahalo,

Nikolay Krasovskiy



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Ocean Ohelo

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Randall Lum

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Mahalo,

Randolf He'o Jr.

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Raymart Echalar

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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Raymond V. Bautista

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Reymando Fiesta

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Mahalo,

Ricardo Academic



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Richard Miller

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Mahalo,

Ricki Richmond

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Mahalo,

Ricky Kauanui

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Mahalo,

Robert F. Subee III

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Robert Guerrero

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Robert Iwasaki

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Mahalo,

Roderick Menor

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Samuel Koahou

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Shane Fujimoto

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I am testifying in **strong support** of **HB420 HD3**, which is essential to protecting homeowners while also ensuring that Hawai'i's already strained housing market is not made even more inaccessible.

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At a time when Hawai'i's housing crisis is already pushing local families out of state, we cannot afford policies that make homeownership even more difficult. This is about consumer protection, fairness, and keeping housing within reach for Hawai'i residents.

I urge the committee to pass HB420 HD3 to support homeowners, protect prospective homebuyers, and help stabilize our housing market.

Mahalo,

Shane Gagabi

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Hawai'i State Senate  
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Mahalo,

Solomon Leui



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Sonny Makekau

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Steve Mabanag

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Mahalo,

Teddy Barbosa

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Mahalo,

Thach T. Phan

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Mahalo,

Thomson Thomas

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Titus Solmerin

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Travis Bloom

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Mahalo,

Trey Pound



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Tyler Kukahiko

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Mahalo,

Wayne Yamashita Jr.

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William Easley

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