



April 3, 2025

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 016 & Videoconference

RE: House Bill 420, HD3, SD1, Relating to Remedies

HEARING: Thursday, April 3, 2025, at 10:01 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, 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, SD1, which clarifies the applicability of the statute of repose to apply to contract, tort, and statutory claims. Clarifies the required contents of a notice of claim of a construction defect served on a contractor. Requires claimants to comply with provisions of the Contractor Repair Act before proceeding with or joining in a class action. Clarifies the process and time frame by which a claimant may accept or reject a contractor's offer to settle and authorize repairs. 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.

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Joey Gomez

March 31, 2025

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Mahalo,

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

HB-420-SD-1

Submitted on: 3/31/2025 11:59:47 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

March 31, 2025

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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.

The impact further impedes Hawaii's developer from proceeding with planned projects. It is impacting our Company, our employees and their families because work that we have already been awarded has slowed down considerably. This bill would allow contractors to remedy alleged defects to our work without resorting to legal battles.

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Mahalo,

Frederick H. Y. Lau

President - Fred Lau Hawaiian Landscape Co. Inc.

2549 Tantalus Drive

Honolulu, Hawaii 96813

March 31, 2025

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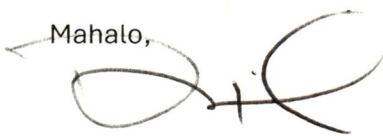
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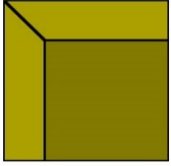
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Mahalo,



Darian Chun





Newport Pacific Cabinets, Inc.

99-129 B WAIUA WAY, AIEA, HAWAII 96701

O: 808.486.6008 | F: 808.486.6668 | info@npcabinets.com



March 31, 2025

*The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Mahalo,

Stephen Yuen
President

March 31, 2025

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I urge the committee to pass HB420 HD3, SD1 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Alex Kwon

President

Paradigm Construction LLC

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Iris Abe

iris@kyinternational.com



MUTUAL HOUSING
ASSOCIATION OF HAWAII

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

Kekaulike Courtyards ♦ Ko'olaa'ula ♦ Lihue Court Townhomes ♦ Palolo Homes

March 31, 2025

The Honorable Karl Rhoads, Chair and the
Members of the Senate Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Committee Members:

Subject: House Bill 420 HD3-SD1 – Relating to Remedies

The Mutual Housing Association of Hawai'i, Inc. ("Mutual Housing") strongly supports House Bill 420 HD3-SD1, 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'opi 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



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 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
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415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard, 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 SD1 to support homebuyers, homeowners, and Hawai'i's housing future.

Very truly yours,

February 24, 2025

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Jon McKenna, President
Hawaiiana Management Company, Ltd.

HB-420-SD-1

Submitted on: 3/31/2025 4:52:50 PM

Testimony for JDC on 4/3/2025 10:01:00 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 SD1.

Mahalo.

March 31, 2025

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Mahalo,

Carole Ueki
carole@kyinternational.com



April 1, 2025

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

RE: **HB 420 HD3 SD1 - Relating to Remedies**
Hearing date: April 3, 2025 at 10:01 AM

Aloha Chair Rhoads, Vice Chair Gabbard 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 Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
April 1, 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

April 1, 2025

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Mahalo,

Craig Nishimura

craign@grayhongnojima.com



JAYAR CONSTRUCTION, INC.

1176 Sand Island Parkway ▼ Honolulu, Hawaii 96819

Tel (808) 843-0500 ▼ Fax (808) 843-0067

Contractor's License ABC-14156

March 31, 2025

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Mahalo,

Aaron M. Yahiku

President

April 3, 2025

TO: Chair Rhoads and members of the Senate Committee on Judiciary
RE: HB 420, HD3 SD1 Relating to Remedies

Dear Chair Rhoads 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 SD1.

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 SD1.**

Thank you,



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



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



**HAWAII STATE SENATE
COMMITTEE ON JUDICIARY
Conference Room 016 & Videoconference
State Capitol
10:01 am**

April 3, 2025

Subject: HB 420 HD3 SD1, Relating to Remedies

Chair Rhoads, Vice Chair Gabbard, 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 SD1, 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.



NORDIC PCL CONSTRUCTION, INC.

1099 Alakea Street, Suite 1600, Honolulu, HI 96813

Telephone: 808-541-9101 Fax: 808-541-9108 + www.nordicpcl.com

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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 litigation. Unfortunately, loopholes in the current law have led to a rise in lawsuits that delay repairs, increase the cost of construction and development, and creates barriers for new home construction. This results in making homes less affordable for local families 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. Entire communities have suffered, with some homeowner associations advised to forego maintenance to preserve evidence for legal claims resulting in living in a space of disrepair.

HB420 HD3, SD1 helps to address these problems by restoring the original intent of the Contractor Repair Act. It ensures builders are afforded the opportunity to make repairs before a lawsuit is filed, reduces unnecessary legal costs, and improves the restitution process 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

A handwritten signature in blue ink, appearing to read "Glen Kaneshige", is written over a faint, larger blue signature.

Glen Kaneshige
President

April 1, 2025

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Mahalo,

Butch Baptist

April 1, 2025

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Mahalo,

Travis Bloom

April 1, 2025

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Mahalo,

Federico Dabu

April 1, 2025

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Mahalo,

Raymart Echalar

April 1, 2025

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Mahalo,

Rodney Ganitano

April 1, 2025

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Mahalo,

Eric He

April 1, 2025

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Mahalo,

Robert Iwasaki

April 1, 2025

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Mahalo,

Guy Keli'ioa

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Mahalo,

Andrew Maberry

April 1, 2025

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Mahalo,

Roderick Menor

April 1, 2025

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Robert F. Subee III

April 1, 2025

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Mahalo,

Ronaldo D. Umayam

March 31, 2025

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Aaron Louch

March 31, 2025

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Donovan C. Hansen

March 31, 2025

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Jakc Robins

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Lawson Maneafaiga

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Adolfo A. Miranda

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Alden Māhoe

April 1, 2025

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Alexander R. Anjagay

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Mahalo,

Ashton Batara

April 1, 2025

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Mahalo,

Ben Ningeok-Ross

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Mahalo,

Bobby Brown

March 31, 2025

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Hawai'i State Senate
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Mahalo,

Branigan T. Lee

April 1, 2025

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Mahalo,

Bruce Zulueta

April 1, 2025

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Mahalo,

Carel Daniel Pancipanci

April 1, 2025

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Hawai'i State Capitol
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Mahalo,

Chace Akina

April 1, 2025

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Chanso Rulona

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Christopher Pena

April 1, 2025

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Mahalo,

Clinton Joseph Hatori

March 31, 2025

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Corinne Parras

March 31, 2025

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Crystal Balicoa

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Daniel Donlin

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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Mahalo,

Daniel Sarajina Jr.

March 31, 2025

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Darolee Prewitt

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Darryl Mizuguchi

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Mahalo,

Dawson K.T. Whitney

April 1, 2025

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Dean Au

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Mahalo,

Delson Kaeo

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Mahalo,

Dino Puropen

April 1, 2025

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Mahalo,

Don Hamatake

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Mahalo,

Edward Novicki

April 1, 2025

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Mahalo,

Efren Rufo

April 1, 2025

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Hawai'i State Senate
Hawai'i State Capitol
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Eric Dahlitz

April 1, 2025

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Eric Miranda

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Fern Wega

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Fono Misi

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Mahalo,

H. Hipa

April 1, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Jacob Chun

April 1, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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Mahalo,

Jeffrey Cashion

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Mahalo,

Jeffly Cruz

March 31, 2025

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Jennifer Hipa

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Mahalo,

Jester Acosto

April 1, 2025

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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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Jon Kunimura

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Mahalo,

Jonathan Julian

March 31, 2025

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Jonathan Nunes

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Joseph Mikaele

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Josiah Manuel

March 31, 2025

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Justin Tanouye

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Kaipo Galeon

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Kenny Pacleb

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Keola Ogitan

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

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I'm a member of the Hawai'i Regional Council of Carpenters, and I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Keoni Maka

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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Mahalo,

Lazaro F. Cabral

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Mahalo,

Li'i Talalotu

April 1, 2025

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Mahalo,

Lott Mahiai

April 1, 2025

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Mahalo,

Lucien Maha'a

April 1, 2025

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Mahalo,

Lyle Danielson

April 1, 2025

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Mahalo,

Matt Slade

March 31, 2025

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Mahalo,

Matthew Teixeira

April 1, 2025

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Mahalo,

Michael Tong

April 1, 2025

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Mahalo,

Mike Yoshimoto

March 31, 2025

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Mahalo,

Mildred Soriano

April 1, 2025

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Nathan Christopherson

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Mahalo,

Niko Kala-Mahiai

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Mahalo,

Nikolay Krasovskiy

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April 1, 2025

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Mahalo,

Ocean Ohelo

April 1, 2025

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Randall Lum

March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Randolf He'o Jr.

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Raymond V. Bautista

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Mahalo,

Reymando Fiesta

April 1, 2025

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Mahalo,

Ricardo Academic

April 1, 2025

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Mahalo,

Richard Miller

April 1, 2025

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Hawai'i State Senate
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Mahalo,

Ricki Richmond

April 1, 2025

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Mahalo,

Ricky Kauanui

March 31, 2025

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Mahalo,

Robert Guerrero

April 1, 2025

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Mahalo,

Royanne L. Cano

April 1, 2025

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Russel Barcena

April 1, 2025

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Hawai'i State Senate
Hawai'i State Capitol
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Russell Yuen

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Shane Fujimoto

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Mahalo,

Solomon Leui

April 1, 2025

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Sonny Makekau

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Steve Mabanag

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Teddy Barbosa

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I'm a member of the Hawai'i Regional Council of Carpenters, and I am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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Mahalo,

Thach T. Phan

April 1, 2025

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Hawai'i State Senate
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Mahalo,

Thomson Thomas

April 1, 2025

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and Members of the Senate Committee on Judiciary
Hawai'i State Senate
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415 S. Beretania Street
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Mahalo,

Titus Solmerin

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo,

Trey Pound

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Tyler Kukahiko

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo,

Wayne Yamashita Jr.

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

William Easley

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Jaime Bueno

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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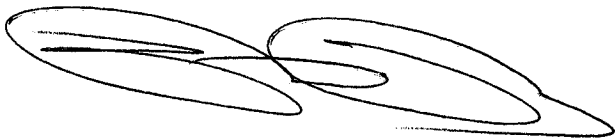
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

A handwritten signature in black ink, appearing to read 'Steven S. Wong', with a stylized, flowing script.

Steven S. Wong
Project Manager
Tru-Door Hawaii
808 682-0307

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Mahalo,



Charles Dickey
President
Tru-Door Hawaii
808 682-0307

April 1, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
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Mahalo,

Vinyl Tech and Masonry, Inc.

Dayle Tejada

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Vinyl Tech and Masonry, Inc.

Shawn Sokugawa

April 1, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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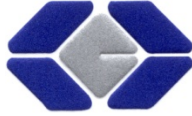
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Mahalo,

Hawaii Fence Builders

Vince Sokugawa

THE GENTRY COMPANIES



April 3, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: **H.B. 420, H.D.3 S.D.1 - RELATING TO REMEDIES**

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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. The original design of the act encouraged cooperation between homeowners and builders, allowing fixes to be implemented without lengthy legal battles. This has not played out, as loopholes in the current law have resulted in increased lawsuits. These lawsuits have not only delayed the construction of much-needed homes for Hawaii's residents, but they have also affected people's livelihoods; decreased housing supply; restricted mortgage lending; affected insurance rates; and have increased the overall cost of housing.

The wide-ranging consequences for these increased lawsuits have resulted in:

- higher costs and fewer financing options,
- drawn out legal disputes for homeowners as they wait for a repair or solution, and
- some homeowner associations being advised to delay maintenance to strengthen legal claims.

As a homebuilder in Hawai'i for over 55 years that desires to continue doing so in our state, we believe that the quality of our work and 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 on the construction industry as a whole. As a provider of workforce housing for local families, we find this to be both undesirable and unacceptable.

H.B. 420, H.D.3 S.D.1 offers a solution by establishing clearer guidelines that will lead to a more fair and cooperative process for addressing construction defects. This bill will reduce unnecessary litigation, stabilize costs, and allow builders to focus on delivering quality homes for Hawai'i's residents. I respectfully urge your support. Mahalo.

Sincerely,

GENTRY HOMES, LTD.

A handwritten signature in black ink, appearing to read "Quentin Machida".

Quentin Machida
President and CEO



Hawaii Operating Engineers Industry
Stabilization Fund PAC
2181 Lauwiliwili Street
Kapolei, HI 96707
Phone: (808) 845-6221
Website: www.hoeisf.com

April 3, 2025

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

TESTIMONY IN SUPPORT
House Bill 420 HD3 SD1, Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of the Hawaii Operating Engineers Industry Stabilization Fund Political Action Committee (HOEISF PAC). The HOEISF PAC is a non-profit labor management organization whose core mission is to represent the interests of the Operating Engineers Local Union No. 3 and Hawaii's leading contractors and ensure that the industry is thriving and sustainable for the future.

We are writing in **support of HB420 HD3 SD1**, which provides much-needed clarity to the process surrounding construction defect claims. This measure ensures that the statute of repose is properly applied, refines the requirements for notices of claims, and streamlines the process for accepting settlement offers.

Affordable housing remains one of Hawaii's most pressing challenges. The high cost of construction, coupled with legal uncertainties, discourages investment in new housing developments. A well-defined and efficient process for addressing construction defect claims will help mitigate risk and create a more stable environment for builders, homeowners, and contractors alike.

The proposed changes in HB420 HD3 SD1 provide homeowners with a more structured pathway to resolve disputes while avoiding unnecessary litigation. By prioritizing early notification and encouraging fair and timely resolutions, this bill enhances consumer protection while ensuring that Hawaii's construction industry remains strong. A clear, efficient system benefits all stakeholders, enabling projects to move forward without the burden of prolonged legal battles.

Thank you for the opportunity to provide our testimony in support and we urge you to pass this measure.



680 Iwilei Road, Suite 510
Honolulu, Hawai'i 96817
(808) 548-4811

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, April 3, 2025
10:01 am
Conference Room 016

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary,

Castle & Cooke Homes is in **strong support** of HB420, HD3, SD1.

We continue to focus on creating communities for Hawai'i's families while delivering high-quality homes that meets their needs. 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, HD3, SD1 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 everyone. 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, HD3, SD1. Mahalo for your time and consideration.

Sincerely,

Garret J. Matsunami
President
Castle & Cooke Hawaii

HB-420-SD-1

Submitted on: 4/1/2025 7:59:18 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

We strongly support HB420. It will ensure that homeownership remains attainable and provide a better process for homeowners to resolve alleged construction defects.

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,

Gregory Brandes



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

chad.karasaki@alliant.com
(808) 220-6059
alliant.com

April 2, 2025

The Honorable Karl Rhoads, 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 SD1 – Relating to Remedies**

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

I appreciate the opportunity to submit this written testimony in support of HB420 HD2 SD1, 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.

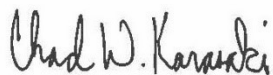
Developers often encounter limited coverage options and increasingly stringent underwriting requirements, which can deter smaller or less established companies from entering the market, resulting in reduced competition and fewer projects. At the same time, significantly higher deductibles require developers 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 that led 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 HD2 SD1. 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, flowing style.

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

HB-420-SD-1

Submitted on: 4/2/2025 6:41:57 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai'i State Senate

Hawai'i State Capitol

415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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

HB-420, HD-3, SD-1

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, HD-3, SD-1 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 SB420, HD-3, SD-1 to support both the Homebuyers as well as the building industry here in Hawaii.

Thank you

Guy Taylor

Z Contractors Inc.

gtaylorhawaii@gmail.com

April 2, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

As a contractor who has been involved in the construction of thousands of new homes over several decades, I can tell you that we stand behind the quality of our work, often going above and beyond what is “contractually” required of us when it comes to repairs. We pride ourselves in ensuring that homeowners are satisfied. However, when attorneys get involved and actually prevent us from making repairs that we agree should be made, no one wins.

HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo!

A handwritten signature in black ink, appearing to read 'Keith Emerson', with a stylized, flowing script.

Keith Emerson
President, Island Flooring



Commercial Sheetmetal Co. Inc.

94-142 LEOLEO STREET * WAIPAHU, HAWAII 96797

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

4/1/25

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,
Commercial Sheetmetal Co., Inc.

LIPP SMITH LLP

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

April 2, 2025

Subject: **OPPOSITION TO HB420, HD3, SD1**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

We hereby submit this **OPPOSITION TO HB420, HD3, SD1-RELATING TO REMEDIES.**

1. **The Legislature Should Expressly Bar Retroactive Application of HB420, HD3, SD1 to Pending Litigation and Appeals.**

We urge the Committee to amend HB420, HD3, SD1 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 to 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 have their appeal fully briefed. 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 to 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.

2. Requiring Inspections of Every Class Home Undermines the CRA's Purposes

We also urge the Committee to amend HB420, HD3, SD1 to limit Contractor Repair Act ("CRA") inspections in class actions to **representative samplings** of class homes, rather than requiring inspection of **every** class home.

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, maintained judicial economy, 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, SD1 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.

3. HB420, HD3, SD1 Expand 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, SD1 extend 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, and the expansion of HB420, HD3, SD1 would conflict with that long-standing law.

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

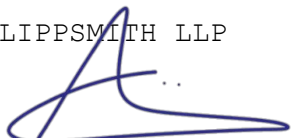
Conclusion

We strongly urge the Legislature to protect Hawai'i homeowners by rejecting HB420, HD3, SD1 or, in the alternative, amending the bill (1) to ensure it will not be retroactively applied to pending cases; and (2) to provide that inspections on a representative sampling of class homes will satisfy the 672E inspections requirements.

Thank you for considering our **opposition**.

Sincerely,

LIPPSMITH LLP



Graham B. LippSmith



Testimony of
Pacific Resource Partnership

Hawai'i State Legislature, Senate Committee on Judiciary (JDC)
Honorable Chair Karl Rhoads and Honorable Vice Chair Mike Gabbard
Thursday, April 3, 2025

Subject: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Roads, Vice Chair Gabbard, 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, SD1.

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.

Here are some glaring examples:



(Continued From Page 2)

- 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.**
- Mitsuoka 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, SD1 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, SD1 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.

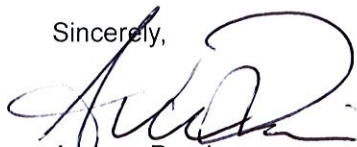
By passing this bill, you can halt the \$62 million-plus legal windfall that has enriched attorneys at the expense of homeowners and redirect resources to where they belong: fixing homes and building more housing.

A Call to Action

We urge this committee to pass HB420, HD3, SD1 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





April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street Honolulu, HI 96813

RE: **HB 420, HD3, SD1 – Relating to Remedies**
Hearing Date: Friday, April 3, 2025 at 10:01am
Conference Room 016, State Capitol

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

Mahalo for the opportunity to submit testimony on behalf of D.R. Horton Hawaii in **STRONG SUPPORT** of HB 420, HD3, SD1 – RELATING TO REMEDIES. This bill proposes needed reform to the Contractor Repair Act (CRA) under HRS § 672E and the statute of repose under HRS § 657-8 to ensure that the intent of the CRA, which is to create a process in which homeowners and contractors work collaboratively and directly to resolve alleged construction defects expeditiously, is fulfilled.

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 and broader construction defect litigation claims that have debilitated the production of much needed housing, eliminated access to condominium mortgage financing and prevented homeowners from receiving needed repairs for legitimate defects in a timely manner. Litigation has eliminated our ability to work collaboratively and directly with our homeowners because litigation prohibits us from even speaking to them.

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 condominium 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.

HB 420 was introduced to address these challenges with key statutory clarifications and reforms that will protect both homeowner's rights and contractor's/builder's due process. It promotes 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 for contractors/builders to inspect and identify homes that have damage as well as homes that do not have damage, thus avoiding wasted time and money on unnecessary repairs. If a resolution is not achieved after going through the CRA process, HB 420 ensures that the homeowner maintains their right to legal action.

Specifically, HB 420 should:

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 Hawai'i'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, provides builders due process and continues our collective efforts to address 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

April 2, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

A handwritten signature in black ink, appearing to read "Kenn Nishihira".

Kenn Nishihira, President

KN Surveying, LLC

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

TESTIMONY OF MICHAEL ONOFRIETTI

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, April 3, 2025
10:01 a.m.

HB 420, HD3, SD1

Chair Rhoads, Vice Chair Gabbard, and members of the Committee on Judiciary, 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 **supports** Section 2 of HB 420, SD1. Maintaining a two-year statute of limitations for all construction defect claims – whether in contract, tort, statute or otherwise – is fair and reasonable. Two years after a construction defect is identified is sufficient time for a property owner to assert a claim against the appropriate party involved in the construction project. It is the same time frame for other property damage liability lawsuits and bodily injury liability lawsuits.

Thank you for the opportunity to testify.



**Testimony to the Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair**

**Thursday, April 3, 2025, at 10:01AM
Conference Room 016 & Videoconference**

RE: HB420 HD3 SD1 Relating to Remedies

Aloha e Chair Rhoads, Vice Chair Gabbard, 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 Senate Draft 1 (HB420 HD3 SD1), which clarifies the applicability of the statute of repose to apply to contract, tort, and statutory claims. Clarifies the required contents of a notice of claim of a construction defect served on a contractor. Requires claimants to comply with provisions of the Contractor Repair Act before proceeding with or joining in a class action. Clarifies the process and time frame by which a claimant may accept or reject a contractor's offer to settle and authorize repairs.

HB420 HD3 SD1 aligns with our 2030 Blueprint for Hawaii: An Economic Action Plan, specifically under the policy pillar for Business Services. This bill promotes policies that drive economic growth, enhance workforce opportunities, and improve the quality of life for Hawaii's residents.

Hawaii's urgent need to improve housing quality and affordability is critical to supporting its local workforce and bolstering economic growth. The current Contractor Repair Act and statute of repose have been applied inconsistently, often allowing incomplete or inadequate construction defect claims to proceed prematurely. This undermines timely repairs and delays the delivery of safe, affordable housing—essential for retaining local talent and sustaining economic stability. The proposed amendments aim to clarify key definitions, notice requirements, and dispute resolution processes, ensuring that construction defects are resolved efficiently to benefit both homeowners and homebuilders.

By streamlining the claims process and establishing clear timelines for contractor responses and claimant actions, the legislation will facilitate prompt repairs and improve housing conditions statewide. The Chamber supports this measure because it strengthens the housing market, supports local workforce retention, and drives overall economic resilience 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 Senate Draft 1. Thank you for the opportunity to testify.

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,



Testimony of Christopher Hikida

TO: State of Hawaii, The Senate
The Thirty-Third Legislative Session 2025
Committee on Judiciary

Re: **OPPOSITION to H.B. 420 (HD 3, SD 1)**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

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

We OPPOSE H.B. 420.

H.B. 420 does not achieve the goal of creating more affordable homes in Hawaii. Instead, it would make purchasing a home more expensive, 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 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 homeowners by (1) preventing homeowners from pursuing their legitimate construction defect claims; and (2) creating an unequal bargaining field, significantly

HAWAII*

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1280 Civic Drive.
Suite 200
Walnut Creek, California 94596
925.906.9220
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NEW MEXICO

6301 Indian School Road NE
Suite 614
Albuquerque, New Mexico 87110
505.219.4204
505.219.4205 Fax

disadvantaging the homeowner while giving developers and contractors the upper hand in the resolution process. Specifically, H.B. 420 would hurt homeowners by:

- Creating an oppressive two-year statute of repose from date of discovery for all construction defect claims, superseding other statute of limitations, including the six-year statute of limitations for breach of contract;
- Gutting the class action process for construction defects, and significantly limiting the Circuit Court's jurisdiction over class actions;
- Promoting a one-sided flow of information requiring homeowners to provide privileged material, while contractors don't need to provide any information;
- Creating indefinite delays to recovery through the Contractor Repair Act.

I. H.B. 420 Creates an Oppressive Two-Year Statute of Repose

H.B. 420 modifies HRS § 657-8, the Statute of Repose, to require that homeowners bring any cause of action, including claims under contract, tort, statute or otherwise, within two years from when the “cause of action accrued”.

This change would make Hawaii's Statute of Repose the most restrictive in the United States—most all states have a ten-year statute of repose from date of completion without the additional time limitation from when the cause of action accrued. Other states don't have a statute of repose that provides additional limitations from when the cause of action accrued because statute of limitations already exist for the various causes of action (i.e. negligence, breach of contract, etc.).

Similarly, Hawaii already has statute of limitations for various causes of action, such as negligence and breach of contract. H.B. 420, by limiting all causes of action for construction defect to two years would offend the Equal Protection clause of the Fourteenth Amendment and

its State counterpart treating contractors and builders as a special class of persons subject to stronger protections. See *Fujioka v. Kam*, 55 Haw. 7, 514 P.2d 568 (1973) and *Shibuya v. Architects Haw.*, 65 Haw. 26, 647 P.2d 276 (1982), finding that versions of HRS § 657-8 violated the equal protections clause because they benefitted a special class of contractors and builders based on their membership in the construction industry.

For example, a 6-year statute of limitations already exists for Breach of Contract or Breach of Warranty claims under HRS § 657-1. H.B. 420 would shrink that to two (2) years from when the breach was discovered—entitling builders and contractors to a shorter time frame in which they could be liable for similar claims. This would mean that a plaintiff in any other case (including any contractor suing for breach of a construction contract) could bring a breach of contract claim during a 6-year time frame, while homeowners and associations would be unfairly limited to 2 years in construction defect cases.

This significantly shortened time frame is highly problematic, especially where there are multiple factors that often prevent homeowners and associations from expeditiously bringing claims. For example, homeowners often don't realize that problems they face are caused by underlying construction defects until a consultant is involved; homeowners have to go through a long and onerous prelitigation process prior to filing a claim; developers often continue to have sway over the board of the association, even after the developer control period is over; and developers often put clauses in the association's governing documents such as requiring developer approval prior to filing lawsuits, thwarting the association's efforts to timely bring its claims.

II. 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. The class action mechanism is crucial because it spreads litigation costs among the class, affords a streamlined recovery process, and provides recovery for homeowners who would not otherwise know that significant defects exist in their house.

Many courts allow 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 and excluding any homeowner who fails to go through the process—significantly limiting the Court’s jurisdiction to oversee the class action process. H.B. 420 would also 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 of the Bill to cut down a class and limit their liability, instead of genuinely attempting to resolve the defects.

III. H.B. 420 promotes an unequal exchange of information giving contractors more leverage in the dispute resolution process

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 expert reports, photographs, videotapes, and any testing done. This will provide grounds for contractors to refuse to move the dispute resolution process forward—as they often do—by arguing that homeowners and associations have failed to meet the requirements of the Contractor Repair Act.

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. H.B. 420 goes further by requiring homeowners to provide draft expert reports—preliminary work product that is protected under the Hawaii Rules of Civil Procedure Rule 26(b)(4).

In contrast, the Contractor Repair Act does not require the contractor to provide ANY information on the homes despite having constructed the homes and having all the construction documents—which are critical for homeowners to assess the defects and necessary repairs. As a result, homeowners cannot obtain the necessary documents 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, but refusing to provide any critical information. **For example, in one case where our client requested non-privileged 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." At the same time, they refused to proceed through the Contractor Repair Act process because they alleged our clients failed to provide enough information.

H.B. 420 would therefore further prejudice homeowners in what is already a biased process that requires only a one-way flow of information from homeowner to contractor by requiring them to produce otherwise protected draft expert reports.

IV. 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.

V. Conclusion

Developers and contractors 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 make housing more affordable or create an effective dispute resolution process. 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 bear the burden of the high cost of housing, but will also be responsible for repairing the contractors defects.

Thank you for your consideration.

Very Truly Yours,



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

HB-420-SD-1

Submitted on: 3/29/2025 4:57:43 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Alvin Doi	Individual	Support	Written Testimony Only

Comments:

March 29, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street

Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

My name is Alvin Doi, and I am a homeowner testifying in **strong support of HB420, HD3, SD1**. 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.

1. 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, SD1 because it is in the best interest of homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Alvin Doi

OUR MISSION

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

OUR VISION

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

BOARD MEMBERS

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

ADVISORY COMMITTEE

Josh Feldman
Brittany Heyd
Alicia Moy
Ed Schultz

Josh Wisch
President & Executive Director

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

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info@holomuacollaborative.org

HolomuaCollaborative.org

Committee: Senate Committee on Judiciary
Bill Number: HB 420 SD1, Relating to Remedies
Hearing Date and Time: April 3, 2025 at 10:01am (Room 016)
Re: Testimony of Holomua Collaborative - Support

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

We write in support of HB 420 SD1, Relating to Remedies. This bill clarifies the applicability of the statute of repose to apply to contract, tort, and statutory claims. 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 who have not complied with the Contractor Repair Act. It amends the process and time frame for a claimant to accept or reject a contractor's offer to settle and authorize repairs.

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

Young Democrats of Hawai'i

Executive Board:

April 2, 2025

Cori Terayama
President

RE: Testimony in Support of HB420 HD3 SD1, Relating to Remedies
Hearing Date: Thursday, April 3, 2025 at 10:01 AM
Conference Room: 016

Cameron Deptula
Vice-President

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

Jimmy Nguyen
Secretary

The Young Democrats of Hawai'i (YDHI) **SUPPORTS HB420 HD3 SD1, RELATING TO REMEDIES.**

Isaiah Baclaan
Treasurer

HB420 HD3 SD1 would clarify the applicability of the statute of repose to apply to contract, tort, and statutory claims. This bill further clarifies the required contents of a notice of claim of a construction defect served on a contractor and for claimants to comply with provisions of the Contractor Repair Act before proceeding with or joining in a class action. Lastly, the bill clarifies the process and time frame by which a claimant may accept or reject a contractor's offer to settle and authorize repairs.

Maria Glodilet
Rallojay
Membership and Events 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. Young adults, 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.

Dave Nagaji
Campaign Director

Jennifer Tse
Policy and Research Director

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.



Young Democrats of Hawai'i

Mahalo nui loa for the opportunity to testify in SUPPORT of HB420 HD3 SD1,
RELATING TO REMEDIES.



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

April 3, 2025

Senate Committee on Judiciary
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for HB 420 HD3 SD1 - RELATING TO REMEDIES

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

On behalf of Hawai'i YIMBY, we are writing in **support of HB 420 HD3 SD1** 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
hawaiiyimby.org
info@hawaiiyimby.org

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

HAWAII REGIONAL COUNCIL OF CARPENTERS

April 3, 2025

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary

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

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

On behalf of the Hawai'i Regional Council of Carpenters (HRCC), I submit this testimony in **strong support of HB420**, which seeks to reform the current Contractor Repair Act (CRA) and create a fairer, more cooperative approach to resolving construction defect disputes.

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

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

Hawai'i's working families depend on a stable and thriving construction industry, but when legal threats make development riskier and more expensive, the result is fewer job opportunities and greater economic uncertainty for local carpenters and tradespeople. HB420 will help restore balance by ensuring that legitimate construction defects are addressed efficiently without inviting unnecessary litigation that stalls projects and costs jobs.

STATE HEADQUARTERS & BUSINESS OFFICES

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

Ensuring Fairness and Stability in the Construction Industry

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

The result is a more volatile construction market, where developers and contractors face excessive legal risks, making them hesitant to take on projects, especially affordable housing developments. HB420 provides a much-needed course correction by:

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

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

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

HB420 will help keep unnecessary increases to housing costs by ensuring that construction defect issues are resolved in a fair and cooperative manner, and not through needless, drawn out lawsuits that serve to benefit a handful of attorneys at the expense of prospective homebuyer and current homeowners.

Passing this measure will protect homeowners by ensuring timely repairs.

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

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

In some cases, attorneys representing community associations in construction defect litigation have advised associations to avoid maintaining common areas or performing general upkeep and maintenance. This tactic, intended to strengthen legal claims, has resulted in diminished quality of life for residents who are left with deteriorating shared spaces and poorly maintained facilities. While this is not always the case, it highlights a troubling practice that can unfairly burden homeowners and harm the overall well-being of communities.

HB420 will restore a fair process that ensures homeowners receive the repairs they need in a timely manner, rather than being drawn into protracted legal battles that benefit attorneys more than homeowners.

For the reasons outlined above—protecting jobs, stabilizing the construction industry, reducing housing costs, and ensuring fair treatment for homeowners—we urge you to pass HB420.

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

Mahalo for your time and consideration. The Hawai'i Regional Council of Carpenters stands ready to work with lawmakers and stakeholders to advance policies that promote housing affordability, job stability, and a thriving construction industry.

Sincerely,

Mitchell Tynanes

Hawai'i Regional Council of Carpenters



HAWAII

LATE

April 2, 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. I have provided testimony before for this bill and my written testimony is the same.

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. Thank you for your consideration.

Mahalo!

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

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

TESTIMONY TO THE MAUI COUNTY MAYOR FOR PERMITTED NON-CODE
CONFORMING BUILDING STRUCTURES.

3/31/2025

John Ritchey, P.E.
John Ritchey Structural Engineer, LLC.
P.O. Box 1713
Kihei, Maui, HI 96753

House of Representatives
Thirty-Third Legislature, 2025
State of Hawaii

Attn: Committee Chair and Committee Members
Subject: HB NO. 450 HD 3 SD1 - County of Maui Permitting Non-Code Conforming Building Structures

REFERENCES:

Hawaii State Residential Code (latest edition)
Hawaii State Building Code (latest edition)
2018 International Residential Code
2018 International Building Code
Hawaii Revised Statutes 464-1
Ordinance 5507

INTRODUCTION:

John Ritchey, with John Ritchey Structural Engineer, LLC. (JRSE), presents his encounters with County of Maui (COM) permitted non-conforming structural drawings. JRSE respectfully submits two case examples of permitted construction documents that exemplify non-conformity to the building code.

JRSE's area of expertise is limited to structural engineering and his testimony is as such.

JRSE's hope is to inform the House of Representatives to enact changes within the permitting system to yield buildings that are structurally sound and compliant with the minimum code requirements of the currently adopted building codes and state building code amendments.

OBSERVATIONS:

Two case studies are presented as follows:

CASE STUDY 1: Woodfin Residence Rebuild; Lahaina, HI; October 2024

JRSE was approached by a Lahaina homeowner who requested structural engineering services to address comments submitted from 4LEAF, Inc. (a company retained by the COM to assist with permitting projects in the Lahaina rebuild). Two structural comments were listed. In review of the drawings, dated May 9, 2024, an excessive amount of structural and code deficiencies was observed. According to the owner, the drawings were drafted by a drafter, who has left the nation, and then stamped by an Oahu architect. The licensed professional was unable to address the comments from 4LEAF. The drawings are “packaged plans” furnished by Honsador Lumber. The owner stated he paid \$5,000.00 for them. See EXHIBIT A.

CASE STUDY 2: Chad Viela Residential Addition; Lahaina, HI; December 2024

JRSE was approached by a Lahaina owner who requested a second opinion of framing drawings, dated July 30, 2024, he was provided by a licensed Maui architect. JRSE conducted a review of the permitted drawings for construction and numerous structural and code deficiencies were observed. The owner informed JRSE that the building was designed by the architect’s in-house structural engineer. The owner also stated he paid \$12,000.00 for them. The owner stated he informed the architect and engineer of the noted discrepancies; however, they informed him the submitted plans would not be changed to address the listed deficiencies. See EXHIBIT B.

JRSE and other licensed engineers (e.g. Scot Listvitch, P.E.) and architects (e.g. Jeremy Stoddart, AIA) on the island of Maui can provide additional testimony to occurrences of encountering non-conforming building structures.

DISCUSSIONS:

In October 2024, JRSE contacted 4LEAF and spoke with Mike Renner in regards to his observations for the first case study. He stated he was aware of the magnitude of structural and code deficiencies, and he was formally instructed by the COM not to address them. In another instance, JRSE spoke with 4LEAFs Scott Martin to discuss comments he had received on his plans when the information was provided on those plans. During this conversation JRSE shared his conversation that he had with Mike Renner. Scott Martin validated Mr. Renner's statements about permitting procedures. He also stated that the rushed process will lead to troubles down the line. In December 2024 JRSE attempted to follow up with either Mr. Renner or Mr. Martin; however, they were both unavailable, and he spoke with Mike Loomis, 4LEAF main plan reviewer. Mr. Loomis also confirmed the statements of Mr. Renner and stated it was still the present state of permitting. All three representatives expressed their concerns in regards non-conforming structures being made to be approved under the direction of the COM.

4LEAF, Inc. is a firm comprised of licensed professionals, licensed structural engineers inclusive, whom have an ethical responsibility to

- a. First and foremost, protect the health, safety, and welfare of the public;
- b. Enhance the quality of life for humanity.
- c. express professional opinions truthfully and only when founded on adequate knowledge and honest conviction.
- d. Have zero tolerance for bribery, fraud, and corruption in all forms, and report violations to the proper authorities.
- e. Endeavor to be of service in civic affairs.
- f. Treat all persons with respect, dignity, and fairness, and reject all forms of discrimination and harassment.
- g. Acknowledge the diverse historical, social, and cultural needs of the community, and incorporate these considerations in their work.
- h. Consider the capabilities, limitations, and implications of current and emerging technologies when part of their work; and
- i. Report misconduct to the appropriate authorities where necessary to protect the health, safety, and welfare of the public.

The code of ethics applies to all licensed professionals.

JRSE had a brief conversation with Mayor Rick Bissen in October 2024. After that meeting Wade Shimokura and Jordan Molina with the Department of Services Administration (DSA) contacted JRSE together to speak to him on the matter. JRSE provided a verbal testimony to them, submitted the marked-up drawings for the first case study, and the 4LEAF plan review comment letter. JRSE followed up with Lance in December 2024. Lance informed him it was “under investigation.” JRSE then reached out to the State of Hawaii’s governor’s office and liaisons to express his concerns with the approval of non-code conforming structures being permitted and constructed on the island of Maui. JRSE has spoken to several consultants and contractors on Maui and shared his findings. They all attested to encountering permitted non-conforming plans pre- & post fire. JRSE has also encountered structural drawings and structures that were constructed pre fire that were also permitted and non-code conforming.

COMMENTARY:

It's an unfortunate truth that some owners are selecting cheap and unqualified “professionals” who have a state licensure. Owners reasonably assume that professional licensure status means they are qualified as the professional represents themselves to them and are competent in the areas in which they practice.

There are cases where owners retain drafters who just draw plans. They are known to search online for structural details and copy them to their drawings without an understanding of their structural concepts and use. The drafters are inexpensive, and they have agreements with licensed professionals to stamp their drawings so they can be submitted for permit and construction.

These plans are reviewed by the COM permitting department and seeing the stamp, accept the drawings as certified as being in conformance with the county’s building codes and approve it for construction. A closer look by a knowledgeable professional would reveal this is not the case.

Non-code conforming structures are not only limited to drafters. Licensed professional architects and engineers are also submitting plans that are noncode conforming. Not isolated mistakes but plans that are missing extensive information and demonstrate a lack of knowledge.

CONCLUSION:

Licensed architects are not licensed structural engineers. Licensed architects professionally sealing drawings that are strictly in conformance with the *International Residential Code* is accepted. The *International Residential Code (IRC)* has specified limitations and specifically mandates that a licensed professional structural engineer shall be retained to design portions of structures that are non in conformance with IRC and to design those portions or all nonconforming IRC structures in accordance with *International Building Code (IBC)*.

Wind speed, seismic zone, building's structural configurations, etc are examples of IRC limitations. IRC is a perspective ("cookbook") code that architects (and engineers) can utilize to design certain building types within certain seismic and wind regions.

Page **5** of **7**

Architects are not allowed by law (adopted building code) to practice structural Engineering for building design that does not conform to the IRC. They do not have the education, experience, tenure, training, credentials, and passed the state licensure examinations. The State of Hawaii requires licensed professionals practicing structural engineering to have a STRUCTURAL ENGINEER II license.

A Hawaii resident or mainland structural engineers practicing in the State of Hawaii should also have full knowledge of the state's building codes and standards of practice.

Buildings constructed with non-code conforming structural systems have the following outcomes-low structural performance for imposed load cases, possible life safety, hinder home sales, increase in insurance, construction delays, increase in costs from change orders, lawsuits, emotional distress-to list a few.

RECOMMENDATIONS:

All commercial and residential projects plans are submitted to the permitting department. This provides the opportunity to identify non-code compliant structures early and have strict requirements that a permit will not be issue until the structure is deemed fully compliant – drawings, depicted framing, material standards, code references, complete load paths – gravity, lateral, uplift and out of plane.

JRSE suggests the following to be considered by permitting agencies:

1. A structural check list form issued to design professionals that they must sign and seal. This would force an in-house check that all building code requirements are satisfied. If the structure has aspects that require it to be IBC compliant then a cursory peer review would have to be performed by a third-party structural engineering professional licensed in the State of Hawaii.
2. Project structural sheets designated as designed in accordance with the IBC or the IRC with structural aspects that require a licensed structural engineer to design shall be required to be signed and sealed by a licensed structural engineer in the State of Hawaii. For example, Oahu has this requirement in its permitting program.
3. Peer review process for all IBC and AASHTO structures – residential, commercial, civil site walls (retaining walls), bridges to be conducted by a third-party licensed structural engineer in the State of Hawaii and is a resident in Hawaii. Third party peer reviewers to have a minimum number of years of practicing in Hawaii and have a SE II licensure.
4. Plan reviewer structural checklist and training to simply identify complete load path systems, material standards, code references, design criteria, etc. are depicted on structural drawings.
5. County format for structural drawings – general notes sheet with design criteria and materials standards, existing plans, demolition plans, new framing plans, gravity plans, lateral plans, out of plane plans, and uplift plans along with detail sheets.
6. Allow 4LEAF to submit a complete list of comments for deficient structural plans.
7. COM report licensed professionals to DCCA/RICO that demonstrate malpractice.
8. Require practitioners to report encountered malpractice or become complicit and therefore liable as well.

SUMMARY:

Since JRSE was founded in 2012; there have been several encounters of permitted drawings and framing that were stamped by a licensed professional. In every occurrence, when JRSE has informed owners or the design professionals about deficiencies the first response is, “How can that be, it was approved by the County.”

In the opinion of JRSE, allowing non code conforming structures to be approved

for construction as a yield to public outcry against the 4LEAFS requirements for approved plans to be in complete code conformance because they have “never been required before” and “extends the permitting process” is negligent. The fact of the matter is that the civil and building structures have always been required to meet local building codes – IRC, IBC, and AASHTO. If done so, there are no permitting delays regarding structural.

Thank you for your time and attention. It is greatly appreciated.
Please feel free to contact me at 808-757-6939 if you have further questions or comments.

Respectfully,

John Ritchey, P.E.
PE-13256S

ATTACHMENTS

EXHIBIT A – WOODFIN RESIDENCE JRSE MARK UPS

EXHIBIT B – VIELA RESIDENCE JRSE MARK UPS

EXHIBIT C – TOMINC RESIDENCE NON CONFORMING SITE WALLS PLANS

EXHIBIT D – MARONEY RESIDENCE NON CONFORMING RETAINING WALL
JRSE MARK UP.

EXHIBIT E – CODE EXCERPTS



EXHIBIT A
WOODFIN RESIDENCE JRSE MARK UPS



September 20, 2024

Caleb Woodfin

Email: calebtwoodfin@gmail.com

Cc: rdelacruz@4leafinc.com, shipolito@4leafinc.com

Project: Main Dwelling w/ Attached ADU
Address: 403 Pauwala Place
TMK: 4-6-024-011
Application #: B2024-02626

4LEAF, INC. has completed the first plan review of the below listed documents on behalf of the County of Maui Development Services Administration, Building Plans Review Section:

1. Plans: Total Number of Sheets in Set (7)

Architectural Sheets dated 05.09.24 by Honsador Lumber

Structural Sheets dated 05.09.24 by Honsador Lumber

Electrical Sheets dated 05.09.24 by Honsador Lumber
2. Other: Water Meter Sizing Worksheet dated 09.16.24 by Caleb Woodfin

Wastewater Verification Form dated 08.26.24 by Caleb Woodfin

Special Inspection Form dated 04.30.24 by Robert Smelker

The basis of the review is the following: MCC 16.26C modifying the 2018 International Building Code (IBC), MCC 16.08A modifying the 2018 International Residential Code (IRC), MCC 16.10 amending 2018 International Existing Building Code (IEBC), MCC 16.18B modifying the 2020 National Electrical Code (NEC), MCC 16.20C modifying the 2018 Uniform Plumbing Code (UPC), and the unamended 2018 International Energy Conservation Code.

Please note that 4LEAF, INC.'s plan review is limited only to the provisions regulated and enforced by the Building Plans Review Section and delegated authority. Check your cases for additions. **Please contact all Divisions/Departments for their review comments. Please do not return plans until all comments from all applicable divisions/departments have been addressed.**

The building plan review comments are attached.

Respectfully Submitted,

Eriselda "Eddy" Nanchy
Plans Examiner

- E4. Sheet E-1: At the kitchen island, all electrical outlets shall have ground-fault circuit interrupter (GFCI) protection. **[NEC 210.8(A)]**

STRUCTURAL COMMENTS:

- S1. Please complete the design criteria and correct the soil bearing. Construction documents for buildings constructed in accordance with the conventional light-frame construction provisions of Section 2308 shall indicate the following structural design information:
[MCC 16.26C.1603.1] Floor and live loads are already correct; provide the following:
1. Basic design wind speed, V , miles per hour (mph) (km/hr) and allowable stress design wind speed, $V_{eff-asd}$ as determined in accordance with section 1609.3.1 and wind exposure.
 2. Design spectral response acceleration parameters, S_{DS} and S_1 . ($S_{DS} = 0.729$ and $S_1 = 0.229$)
 3. Seismic design category and site class. ($SDC = D_1$, Site Class is D-Default, unless a soils report is provided.)
 4. Flood design data, if located in flood hazard areas. (Not required – appears to be Flood Zone X.)
 5. Design load-bearing values of soils. (Define the soils – 1500 psf is typical without a soils report; see Table R401.4.1.)
- S2. Sheet S-2: Please define braced wall lines or shear walls to resist lateral (wind and earthquake) forces. If designed by an engineer, provide a full set of structural calculations for the shear walls. If specifying a braced wall system, please define all braced wall lines, and identify braced wall panel lengths and types (such as WSP, CS-WSP, ABW, etc.). Important restrictions of braced wall systems: The maximum on center spacing of braced walls is 25'. [Table R602.10.1.3] Braced walls must begin within 10 feet of each end of the braced wall line and be a minimum of 4' wide. **[Table R602.10.2.2]**.

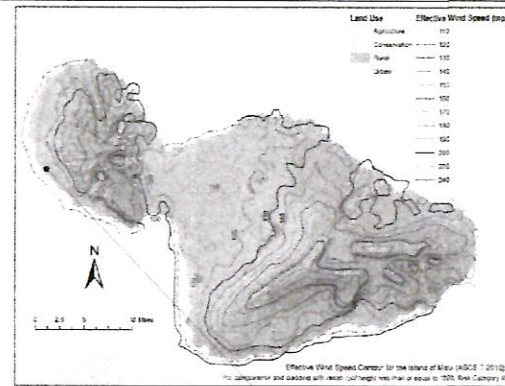
If you need clarification or have any questions regarding the above plan review comments, please contact **Eriselda Nanchy** (enanchy@4LEAFINC.com) of 4LEAF, Inc. at (925) 462-5959, or by email.

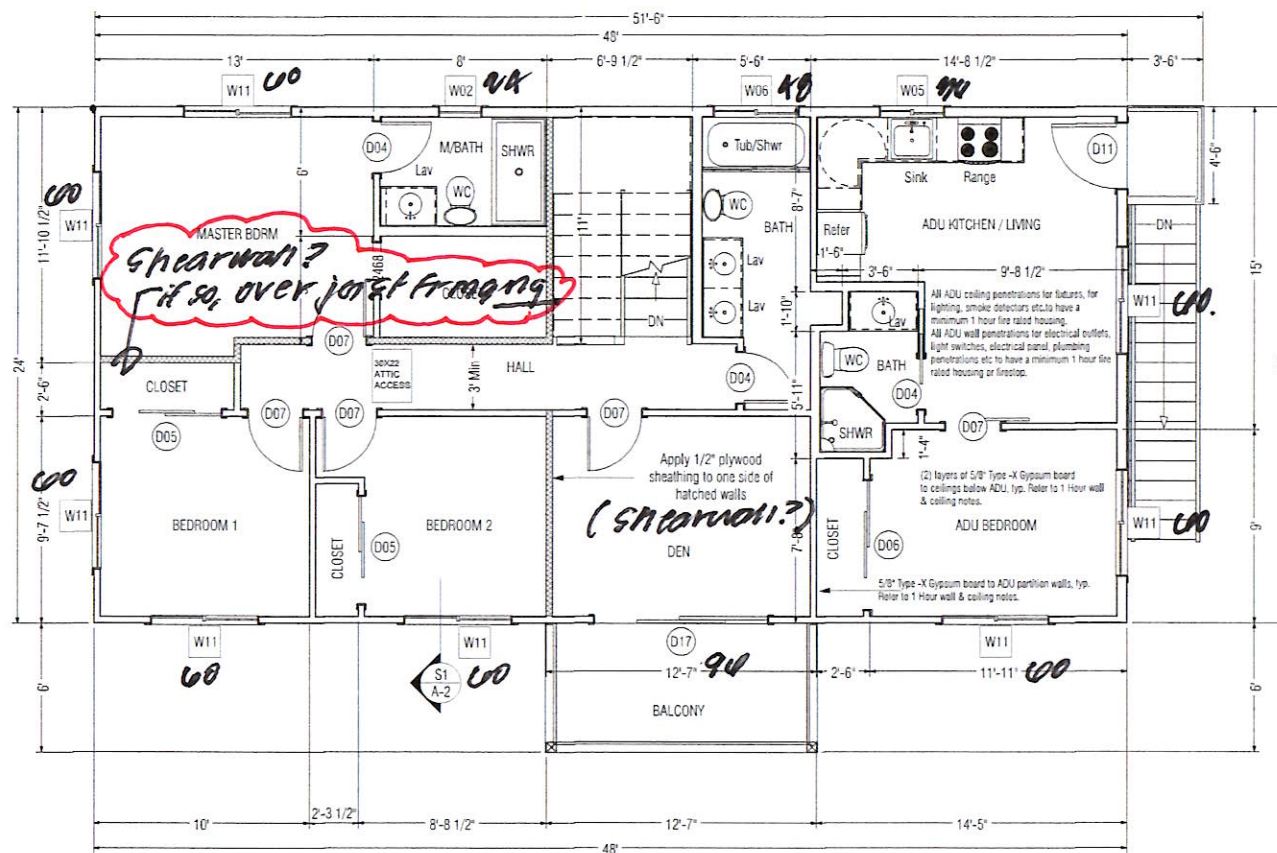
[END]

GENERAL NOTES

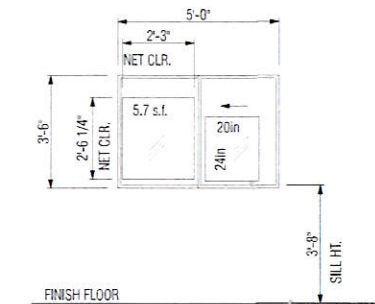
Provisions of the following standards apply to every structure when applicable:
 2018 Int'l Building Code (IBC) - Ordinance 3928
 2018 Int'l Residential Code (IRC) - Ordinance 3929
 2014 Hawaii State Fire Code - Ordinance 4232, S/S 3, 2015
 2015 Int'l Energy Conservation Code - Ordinance 4969
 2008 National Electrical Code - Ordinance 3728
 Outdoor Lighting - Ordinance 3430
 Hawaiian Revised Statutes
 Ordinances - Chapter 12.05
 Subdivision & Zoning Ordinances
 Public Health regulations
 Ch. 20.05 Soil Erosion & Sedimentation Control - Ordinance 3725

- The Contractor shall visit the project site and thoroughly familiarize themselves with the existing conditions prior to submitting their bid.
- All grading operations shall be performed in conformance with the applicable provisions of Chapter 54, water quality standards, and Chapter 55, water pollution control, of Title I, administration rules of the State of Hawaii Department of Health.
- The Contractor shall conform to the latest prevailing codes and ordinances and manufacturer's specifications and standards for all trades of work.
- All work is to be done by the General Contractor unless otherwise noted. An "Owner-Builder" is in fact the General Contractor and shall bear all of the responsibilities of the General Contractor for this project. An "Owner-Builder" shall read and understand KNOW THE RISKS AND RESPONSIBILITIES OF BEING AN OWNER BUILDER provided by the State of Hawaii Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), 235 S. Beretania Street, Ninth Floor, Honolulu, Hawaii 96813. www.hawaii.gov/dcca/rco, telephone (808) 587-4272.
- Burying organic "green" material from the site grading process is common. The Contractor shall locate all green material on the site and make sure that all structures are constructed a minimum of 6' away from all green material. If a structure is to be constructed over a green material location, the green material shall be removed and be replaced with engineered fill with 50% compaction.
- Permits treat all dimensional structural wood in accordance with the prevailing codes. Permits treat the ground under the building with chemicals acceptable to the local building authority and in accordance with the manufacturer's recommendations.
- All structural lumber species shall be Douglas Fir-Larch unless otherwise noted. Structural lumber grades shall be #1 or better for 4 x 6 or larger beams and rafters with a minimum structural value of Fb 1200, and #2 for 2 x floor joists and rafters with a minimum structural value of Fb 900 unless otherwise noted.
- The General Contractor is responsible for coordinating all work of the sub-contractors.
- The Contractor shall verify that the soil conditions can accommodate the foundation design. If there is any question regarding the soil conditions and foundation design, the Owner or Contractor shall retain a Hawaii Licensed Geotechnical Engineer and comply with all of the Hawaii Licensed Geotechnical Engineer's recommendations.
- All engineered fill, base course and ground under concrete slabs and concrete footings shall be compacted to a minimum of 95%.
- The Contractor shall slope all finished grades away from the building.
- The Contractor shall verify all dimensions, conditions and details prior to beginning construction and contact the Architect if there are any questions.
- The Contractor shall field verify all work and coordinate among trades prior to fabrication and installation. All products, unless otherwise noted, shall be pre-approved by the Owner prior to ordering, fabrication, installation and execution of the product.
- Where figures or dimensions have been omitted from the drawings, the drawings shall not be scaled. The Contractor shall immediately contact the Architect regarding any omissions.
- The Contractor shall use adequate numbers of skilled workman who are trained and experienced in the necessary crafts and who are completely familiar with the specified requirements and methods needed for proper performance of all aspects of this work.
- The Contractor shall examine all areas and conditions under which this work will be performed and correct all conditions detrimental to the timely and proper completion of the work prior to beginning the work.
- The Contractor shall provide other material not specifically described but needed for a complete and proper installation as selected by the Contractor and subject to the approval of the Owner.
- The Contractor shall protect products scheduled for use on this project. Maintain packaged materials with seals unbroken and labels intact until time of use. Promptly remove damaged material and unsuitable items from the job site, and promptly replace with material meeting the specified requirements, at no additional cost to the Owner. In the event of any damage to the job site, promptly make replacements and repairs to the approval of the Owner at no additional cost to the Owner.
- The Contractor shall keep the construction area in a neat, safe and orderly condition at all times during the execution of this work, free from the accumulation of dust and debris.
- The Contractor is to file and secure all approvals, permits, tests, inspections and certificates of compliance as required.
- The Contractor shall keep a full set of up-to-date plans available on the job site at all times.
- The Contractor is responsible for initiating, maintaining and supervising all safety precautions and programs necessary for completion of the work.
- All materials and labor shall be guaranteed for one year from the date of final payment.
- The Contractor shall repair, replace, patch and match any materials, areas or systems as required or called for to obtain the proper installation and neat appearance of the work, connect new work to existing work in a neat and approved manner, and restore existing work, in making such connections, to perfect condition.
- The Contractor shall keep all operations and maintenance manuals and related paperwork in a marked envelope to be turned over to the Owner upon the completion of the project.
- The Contractor shall make a careful inspection of the construction and make sure that the project is ready for final acceptance prior to calling the Owner for a final inspection.
- All work shall conform to ADA and ADAAG requirements where applicable.
- The Contractor shall verify that the project site topography can accommodate the building design.
- All structural wood shall have a moisture content of 19 percent or less (measured at the center of the specific structural wood member).
- The Contractor shall not use Fiber Mesh as a substitute for wire mesh or steel in concrete slabs and concrete footings.
- The Contractor shall remove all red cinder from formed areas prior to pouring concrete slabs and concrete footings.
- Nailing Schedule Unless Otherwise Noted:
 A) 5/8", 19/32" and 5/16" thick structural panels:
 10d at 6" o.c. at edges and 12" o.c. in field.
 B) 1/2", 7/16" and 3/8" thick structural panels:
 6d at 6" o.c. at edges and 12" o.c. in field.
 C) 5/16" thick structural panels:
 6d at 4" o.c. at edges and 8" o.c. in field.
- All anchor bolts, hold down straps and ties, column bases and all other metal connectors embedded in concrete shall be galvanized.
- A valid building permit is, in no way, a guarantee that the County of Maui Building Department will not, without just cause or notice, demand partial or total building redesign at the Owner's expense.





TYPICAL EGRESS WINDOW FOR BEDROOMS



ALL GLAZING TO BE LOW E, TYP.
SIMPSON STORM PANEL SCREW & 7/16" THK WOOD STRUCTURAL PANEL FOR ALTERNATIVE STORM GLAZING REQ. IN WIND-BORNE DEBRIS REGIONS

DOOR NOTES:

1. ALL EXTERIOR DOORS ARE TO BE 1-3/4" THK.
2. ALL INTERIOR DOORS ARE TO BE 1-3/8" THK.
3. CAULK W/ SEALANT AROUND TOPS AND SIDES OF INTERIOR AND EXTERIOR DOOR (SEE EXTERIOR ELEVATION OF CLEAR OR OBSCURE GLAZING, AS NOTED).
4. ALL GLASS IN DOORS TO BE TEMPERED GLASS.
5. WOOD ON DOORS SHOULD BE OF QUALITY THAT THE FINISHED CAN BE EXPOSED.
6. ALL GLAZING WITHIN 60" OF STAIRWAY SHOULD BE TEMPERED SAFETY GLASS.
7. ALL GLAZING IN THE BATHROOM LESS THAN 60" FROM THE SHOWER SHALL BE TEMPERED SAFETY GLASS.
8. ALL PATIO, DECK AND LANAI SLIDING GLASS DOORS SHALL BE TEMPERED GLAZING.

WINDOW NOTES:

1. ALL WINDOWS SHALL HAVE INSULATED GLAZING, (SAFETY GLASS AS NOTED), WITH SHGC ≤ 0.25
2. ALL WINDOWS SHALL BE WHITE VINYL FRAME OR APPROVED EQUAL.
3. SEAL AROUND TOPS & SIDES OF WINDOWS TRIMS (WINDOW SIZES ARE NOMINAL).
- EMERGENCY EXITS (SAFETY EGRESS) AT ALL BEDROOMS
- 20" MIN. WIDTH
- 24" MIN. HEIGHT
- 5.7 SQ. FT. OPENING
- 44" MAX. SILL HEIGHT @ BOTTOM OF SILL WINDOWS

Door & Window Schedules

NUMBER	QTY	FLOOR	WIDTH	HEIGHT	DESCRIPTION	MANUFACTURER
D01	1	1	72"	80"	2 PANEL SMOOTH BL-PASS	MASONITE
D02	2	1	28"	80"	POCKET-DOOR P04	MASONITE
D04	3	2	28"	80"	2 PANEL SMOOTH	MASONITE
D05	2	2	60"	80"	2 PANEL SMOOTH BL-PASS	MASONITE
D06	1	2	72"	80"	2 PANEL SMOOTH BL-PASS	MASONITE
D07	5	2	30"	80"	2 PANEL SMOOTH	MASONITE
D08	1	1	30"	80"	YES LAUAN SLAB SC	MASONITE
D11	1	2	36"	80"	EXT. PULSE	THERMATRU
D14	1	1	72"	80"	VINYL GLASS SLIDER	MILGARD
D17	1	2	56"	80"	VINYL GLASS SLIDER	MILGARD

NOTE: ALL WINDOWS TO BE LOW E GLAZING
ALL EXTERIOR GLASS SHALL BE SHGC MAX 0.25

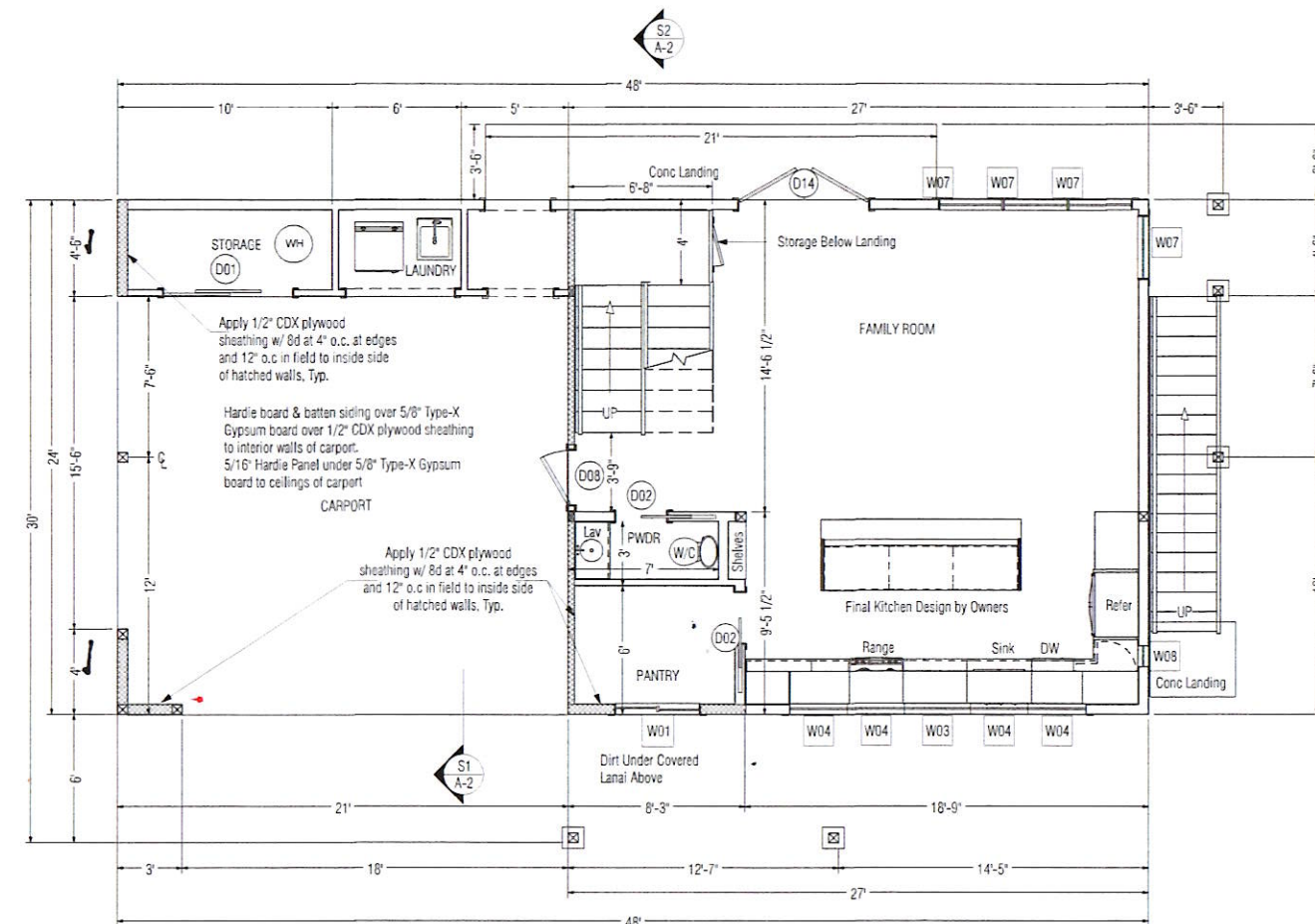
ALL ESCAPE OR RESCUE WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENABLE HEIGHT DIMENSION SHALL BE 24 INCHES. THE MINIMUM NET CLEAR OPENABLE WIDTH DIMENSION SHALL BE 20 INCHES. WHEN WINDOWS ARE PROVIDED AS A MEANS OF ESCAPE OR RESCUE THEY SHALL HAVE A FINISHED SILL HEIGHT NOT MORE THAN 44 INCHES ABOVE THE FLOOR.

NUMBER	QTY	FLOOR	WIDTH	HEIGHT	EGRESS	TEMPERED	DESCRIPTION	MANUFACTURER
W01	1	1	48"	12"			LEFT SLIDING	MILGARD
W02	1	2	24"	36"			SINGLE HUNG	MILGARD
W03	1	1	37"	30"			FIXED GLASS	MILGARD
W04	4	1	32"	30"			FIXED GLASS	MILGARD
W05	1	2	36"	36"	YES		LEFT SLIDING	MILGARD
W06	1	2	48"	18"			LEFT SLIDING	MILGARD
W07	4	1	36"	48"			SINGLE HUNG	MILGARD
W08	1	1	12"	48"			FIXED GLASS	MILGARD
W11	8	2	60"	48"	YES		LEFT SLIDING	MILGARD

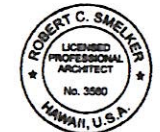
2nd Floor : 1/4 in = 1 ft



Kitchen Elevations- Please verify design with owners : 1/4 in = 1 ft



1st Floor : 1/4 in = 1 ft



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.
DATE: 4/30/2024



REV #	DATE	REVISION

Floor Plans

E. GRUMLING & C. WOODFIN RESIDENCE
403 PAUJALA PL
LAHAINA HI 96761
TYK: (2) 4-6-027:011 0000

DRAWINGS PROVIDED BY:



DATE:

5/9/2024

SCALE:

1/4" = 1'-0"

SHEET:

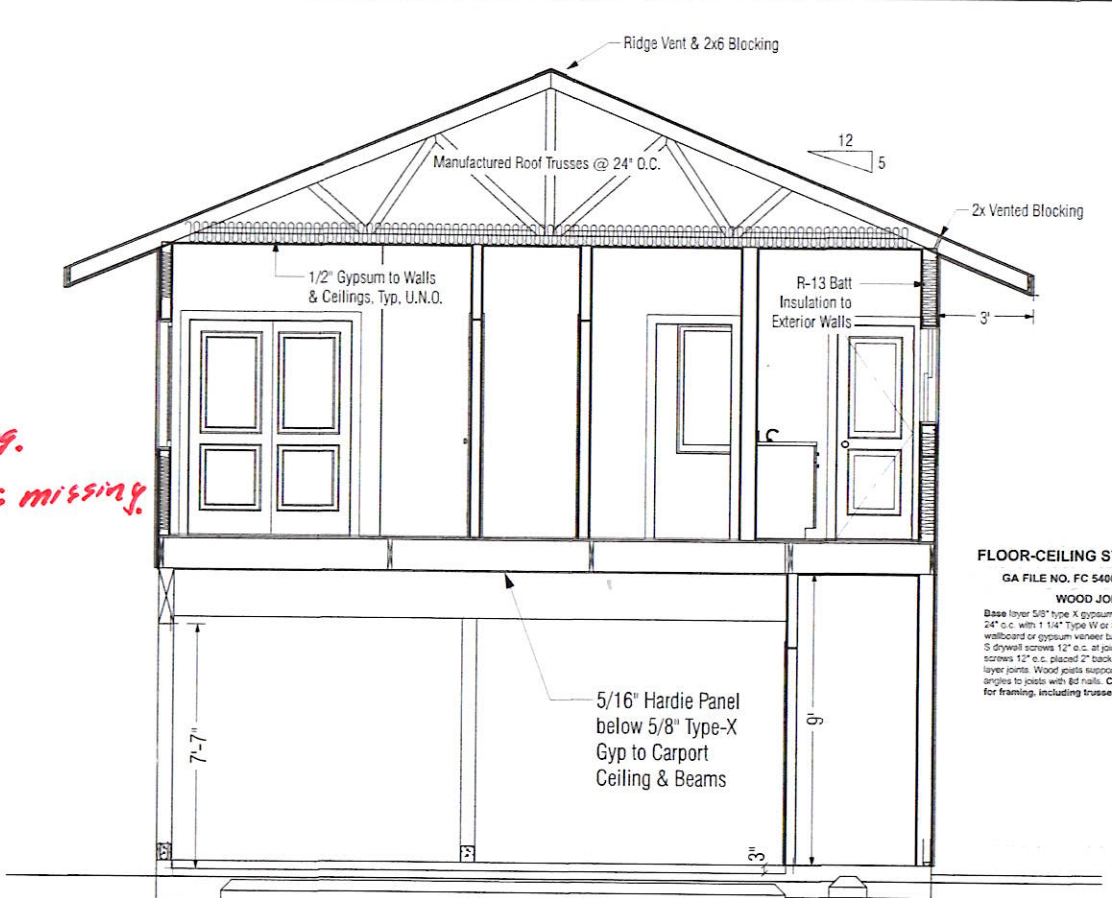
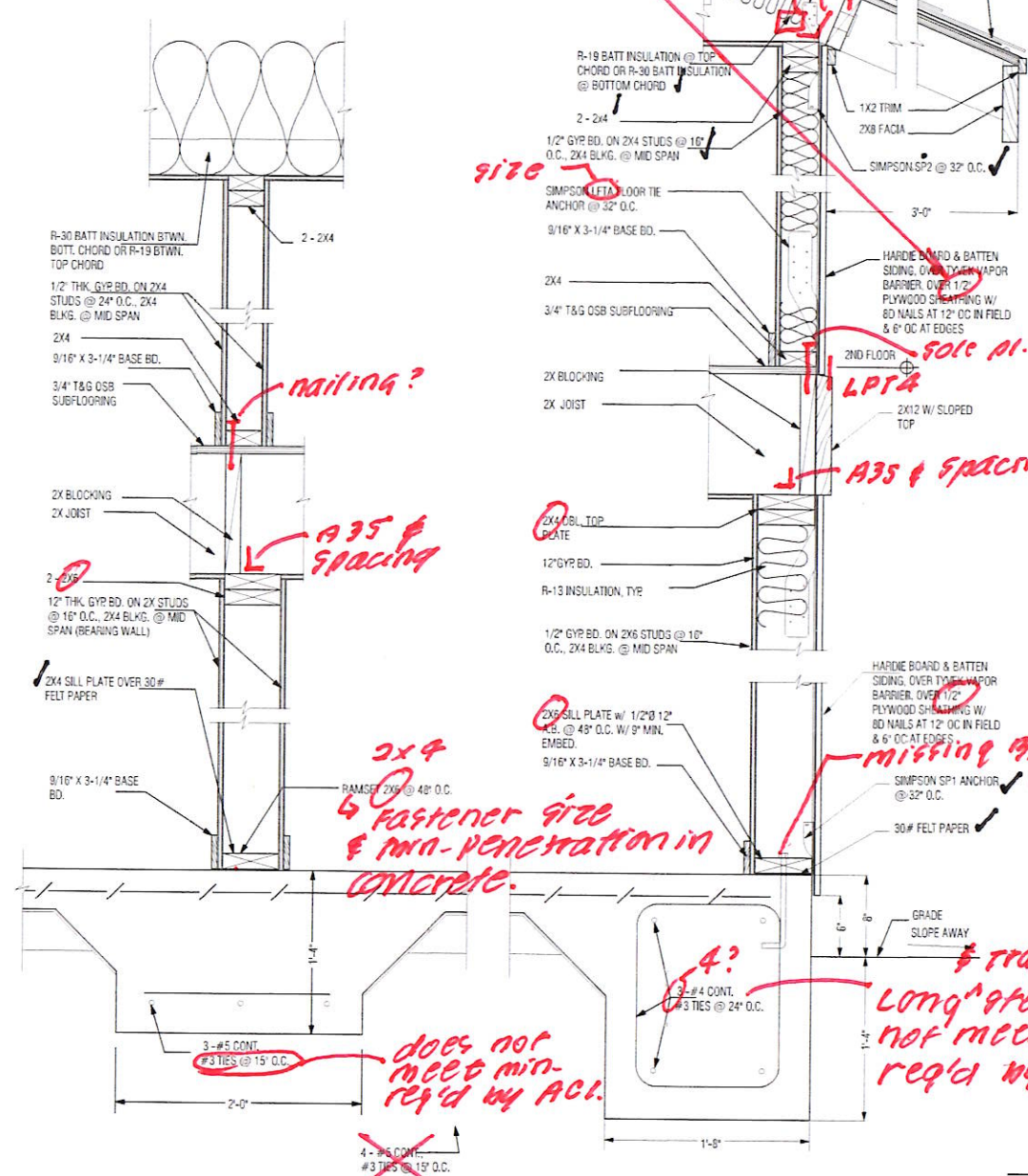
A-1

1 HOUR FIRE WALL & CEILING NOTES:
Applies to all walls and ceilings in 2nd floor ADU

Exterior Walls:
IBC Table 721.1(2) Item # 16-1.1
2" x 4" wood studs at 16" centers with double 5/8" plates, single bottom plates, interior side covered with 5/8" Type X gypsum wallboard, 4" wide, applied horizontally unblocked, and fastened with 2-1/4" Type S drywall screws, spaced 12" on center, wall-board joints covered with paper tape and joint compound. Exterior side covered with 1/2" Type X gypsum wallboard, applied horizontally unblocked, and fastened with 2-1/4" Type S drywall screws, spaced 12" on center in the field, and 6" on center panel edges. Cavity to be filled with 3-1/2" mineral wool insulation. Rating established for exposure from interior side only.

Interior Walls:
IBC Table 721.1(2) Item # 14-1.3
2" x 4" wood studs at 24" on center with 5/8" Type X gypsum wallboard applied vertically or horizontally nailed with 2-1/4" Type S drywall screws at 7" on center with end joints on railing members. Stagger joints each side.

Ceiling Assembly
GA File # FC 5406
Base layer 5/8" Type X gypsum wallboard applied at right angles to 2x10 wood joists @ max 24" o.c. with 1 1/4" Type W or S drywall screws 24" o.c. Face layer 5/8" Type X gypsum wallboard applied at right angles to joists with 1 7/8" Type W or S drywall screws 12" o.c. at joints and intermediate joints & 1-1/2" Type G drywall screws 12" o.c. placed 2" back on either side of end joints. Joints offset 24" from base layer joints. Wood joists supporting 1/2" plywood with exterior glue applied at right angles to joists with 8d nails. Ceiling provides 1 hour of fire resistance protection for framing, including trusses.



FLOOR-CEILING SYSTEMS, WOOD-FRAMED
GA FILE NO. FC 5406
WOOD JOISTS, GYPSUM WALLBOARD
Base layer 5/8" Type X gypsum wallboard applied at right angles to 2 x 10 wood joists 24" o.c. with 1 1/4" Type W or S drywall screws 24" o.c. Face layer 5/8" Type X gypsum wallboard or gypsum veneer base applied at right angles to joists with 1 7/8" Type W or S drywall screws 12" o.c. at joints and intermediate joints and 1 1/2" Type G drywall screws 12" o.c. placed 2" back on either side of end joints. Joints offset 24" from base layer joints. Wood joists supporting 1/2" plywood with exterior glue applied at right angles to joists with 8d nails. Ceiling provides one hour fire resistance protection for framing, including trusses.

ROBERT C. SMELKER
LICENSED PROFESSIONAL ARCHITECT
No. 3380
HAWAII, U.S.A.
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.
Date: 4/30/2020

REVISION TABLE	
REV #	DATE

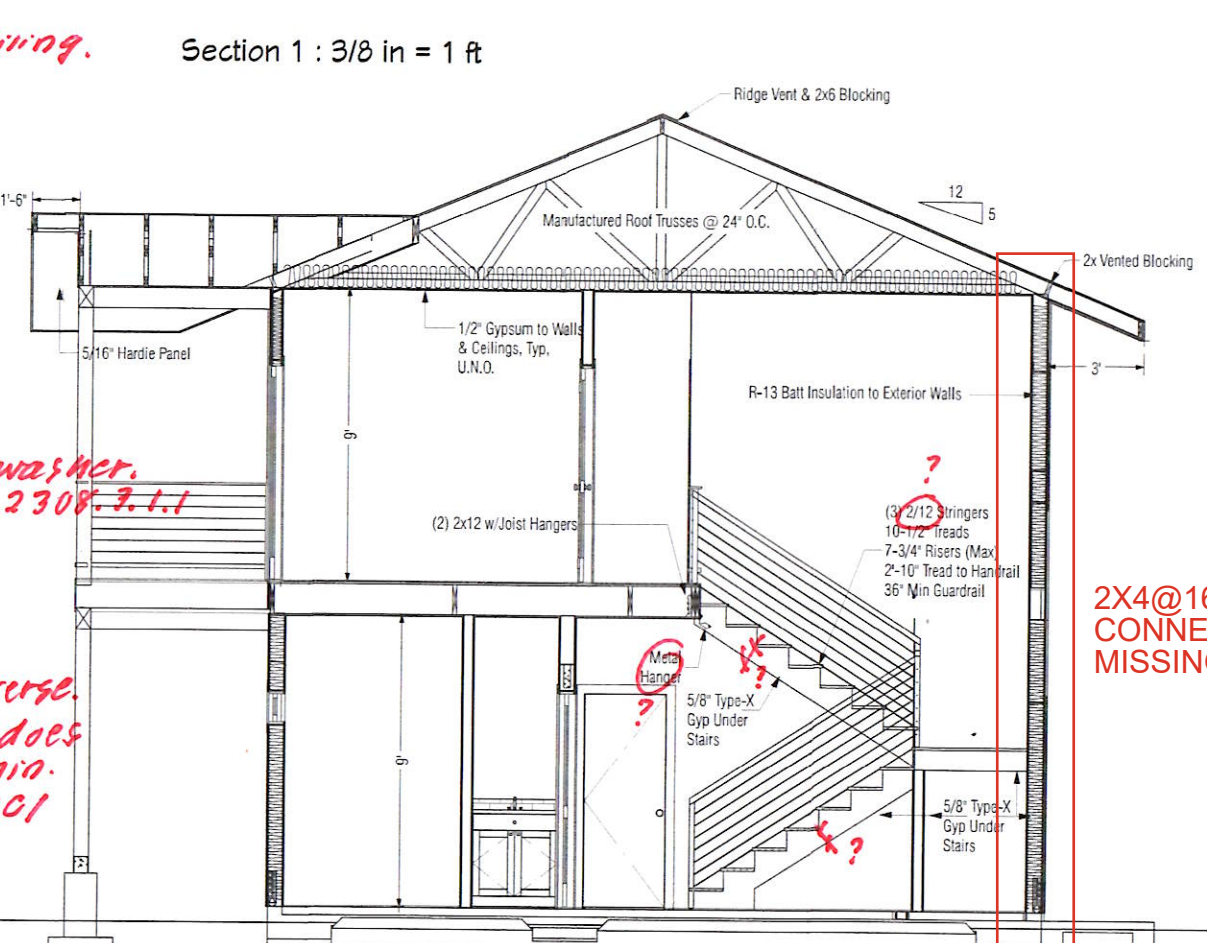
Building Sections

E. GRUMLING & C. WOODFIN RESIDENCE
403 PAUWALA PL
LAHAINA HI 96761
TMK: (2) 4-6-027:011 0000

DRAWINGS PROVIDED BY:
HONSADOR
LUMBER

DATE:	5/9/2024
SCALE:	AS SHOWN
SHEET:	A-2

ADU NOTES
All ADU ceiling penetrations for fixtures, for lighting, smoke detectors etc. to have a minimum 1 hour fire rated housing.
All ADU wall penetrations for electrical outlets, light switches, electrical panel, plumbing penetrations etc. to have a minimum 1 hour fire rated housing or firestop.
(2) layers of 5/8" Type-X Gypsum board to ADU ceiling, typ. Refer to 1 Hour wall & ceiling notes.
5/8" Type-X Gypsum board to ADU walls, typ. Refer to 1 Hour wall & ceiling notes.



consult/opinion
JR SPB E 10/24/2024



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OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.
4/30/2024



REVISION TABLE		DESCRIPTION
REV #	DATE	REVISION

Elevations

E. GRUMLING & C. WOODFIN RESIDENCE
403 PAUWALA PL
LAHAINA HI 96761
TMK: (2) 4-6-027-011 0000

DRAWINGS PROVIDED BY:
HONSADOR
LUMBER

DATE:

5/9/2024

SCALE:

1/4" = 1'-0"

SHEET:

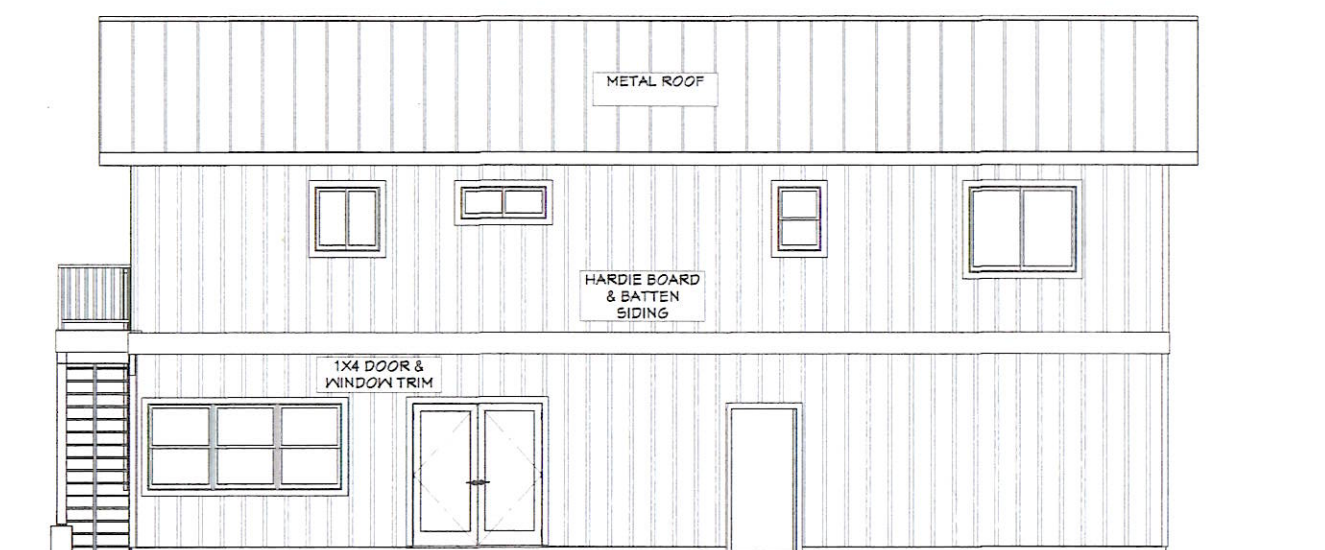
A-3



Front Elevation : 1/4 in = 1 ft



Right Elevation : 1/4 in = 1 ft



Rear Elevation : 1/4 in = 1 ft



Left Elevation : 1/4 in = 1 ft

Consult (common)
JR / URSO / 10/23/2024

1/29/2024



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DATE: 4/30/2024

CONTACT INFO.



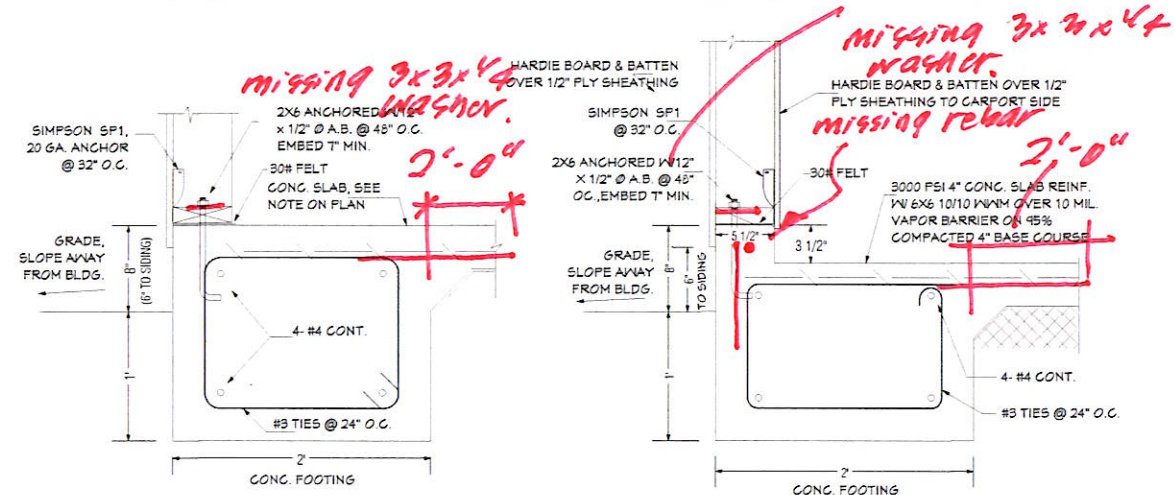
REV #	DATE	REVISION BY	DESCRIPTION

Foundation Plan & Details

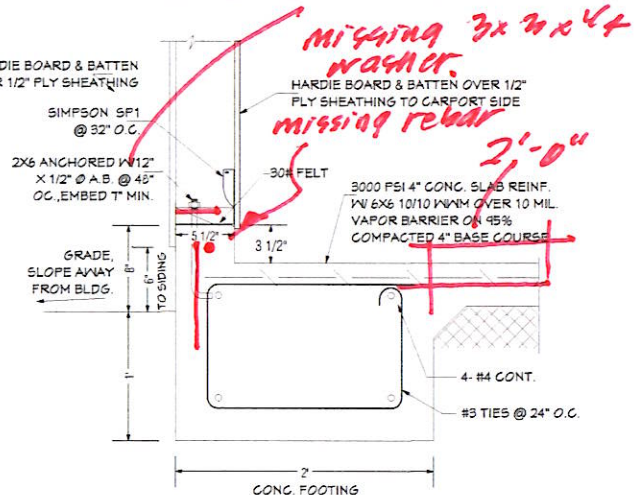
E. GRUMLING & C. WOODFIN RESIDENCE
403 PAUNALA PL
LAHAINA HI 96761
TMK: (2) 4-6-021:011 0000



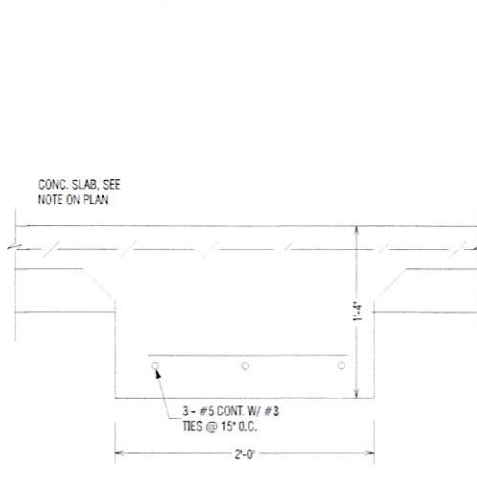
DATE: 5/9/2024
SCALE: AS SHOWN
SHEET: S-1



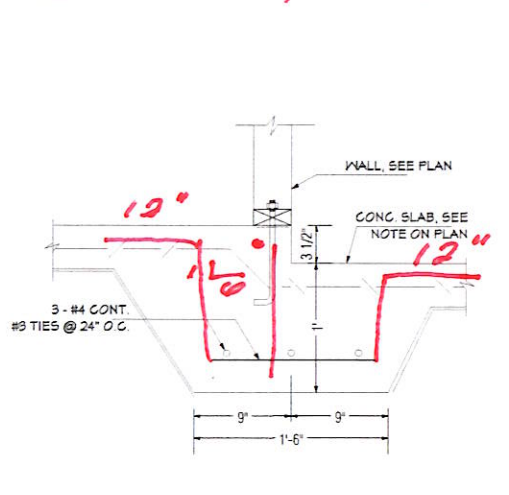
F1 FOOTING @ SLAB ON GRADE
Scale: 1-1/2"=1'-0"



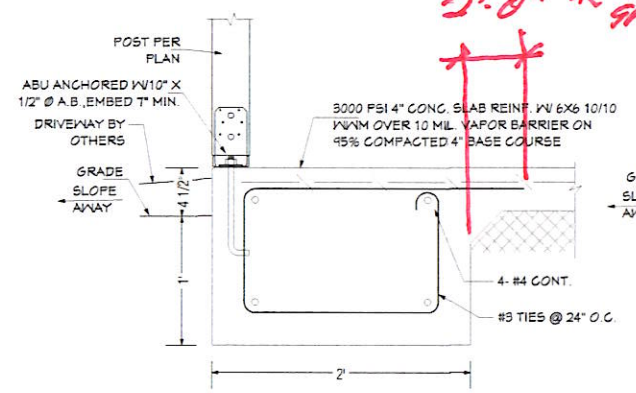
F2 FOOTING @ CARPORT / GARAGE CURB WALL
Scale: 1-1/2"=1'-0"



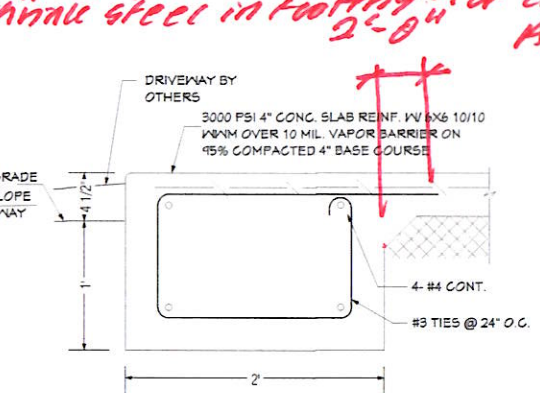
F3 SLAB DETAIL - INTERIOR
Scale: 1-1/2"=1'-0"



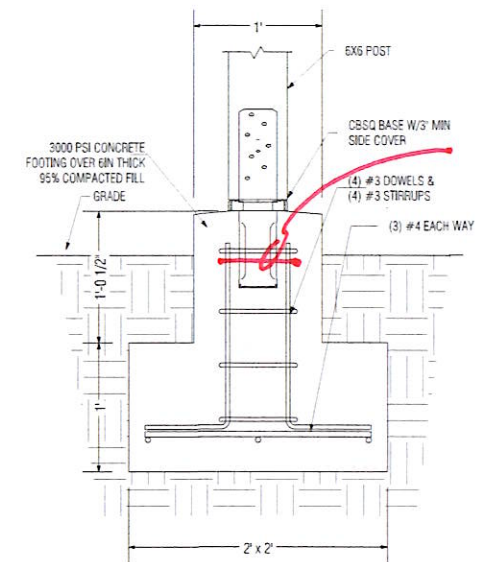
F4 STEPPED FOOTING @ SLAB ON GRADE
Scale: 1-1/2"=1'-0"



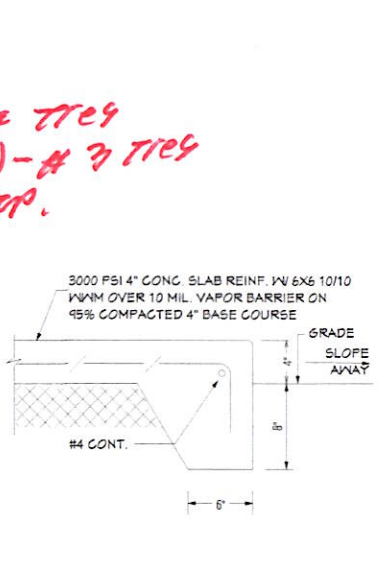
F5 FOOTING DETAIL - CARPORT POSTS
Scale: 1-1/2"=1'-0"



F6 FOOTING DETAIL - GARAGE OPENINGS
Scale: 1-1/2"=1'-0"



F7 FOOTING DETAIL @ EXTERIOR POST
Scale: 1-1/2"=1'-0"



F8 SLAB DETAIL - LANDING
Scale: 1-1/2"=1'-0"

2'-0" * typically inadequate temp & shrink steel in footing for crack control.
ACI 318-19 § 24.4

- Missing:**
- a. Rebar lap & bend details
 - b. Pipe penetrations - slab & footings
 - c. slab on grade details
 - d. control joint details
 - e. sole plate notch detail
 - f. re-entrant corner rebars
 - g. shearwall details
 - h. hold-down anchor size & embedment
 - i. anchor rod cast in place or epoxied?
 - j. footing corner reinforcing details

post? size? no ref. to 5-2 for size.

inadequate shearwalls this line.

lateral drift 7 H/400 N.G.

inadequate shearwalls this line.

small footings for uplift

slump? water cement ratio? 2500 psi 4" Conc Slab w/ 6x6/10-10 W.W.M. Reinforcement on 6 Mil Vapor Barrier over 95% Compacted 4" Base Course

? why this large footing not supporting anything.

stair anchorage?

OS/OK N.G. E 19'-9" wide window

* grade 2x 911 N.G. E 19'-9" window.

Foundation Plan : 1/4 in = 1 ft

consult / opinion JRS / JRS / 10/23/2024

1. missing posts
2. missing hold-downs & window jambs.
3. shear walls
4. missing bearing walls!
5. General Plan notes.



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OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.
Date: 4/30/2025

REV #	DATE	REVISION / DESCRIPTION

Electrical Plans & Stair Details

E. GRUHLING & C. WOODFIN RESIDENCE
403 PAUJALA PL
LAHAINA HI 96761
TMK: (2) 4-6-021:011 0000

DRAWINGS PROVIDED BY:



DATE:

5/9/2024

SCALE:

AS SHOWN

SHEET:

E-1

ELECTRICAL - DATA - AUDIO LEGEND	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans: Ceiling Mounted, Wall Mounted
	Ceiling Mounted Light Fixtures: Surface/Pendant, Recessed, Heat Lamp, Low Voltage
	Wall Mounted Light Fixtures: Flush Mounted, Wall Sconce
	Chandelier Light Fixture
	Fluorescent Light Fixture
	240V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFCI
	Switches: Single Pole, Weather Proof, 3-Way, 4-Way
	Switches: Dimmer, Timer
	Audio Video: Control Panel, Switch
	Speakers: Ceiling Mounted, Wall Mounted
	Wall Jacks: CAT5, CAT5 + TV, TV/Cable
	Telephone Jack
	Intercom
	Thermostat
	Door Chime, Door Bell Button
	Smoke Detectors: Ceiling Mounted, Wall Mounted
	Electrical Breaker Panel

LIGHTING REQUIREMENTS:
> 75% OF PERMANENTLY INSTALLED LIGHTING
FIXTURES SHALL BE CFL, LED, OR T-5 OR SMALL
DIAMETER LINEAR FLUORESCENT LAMPS (R404.1).

ENERGY STAR RATED FANS OR ROUGH-IN SHALL BE
INSTALLED IN EACH BEDROOM & LIVING ROOM (R401.2.1
AMENDMENT)

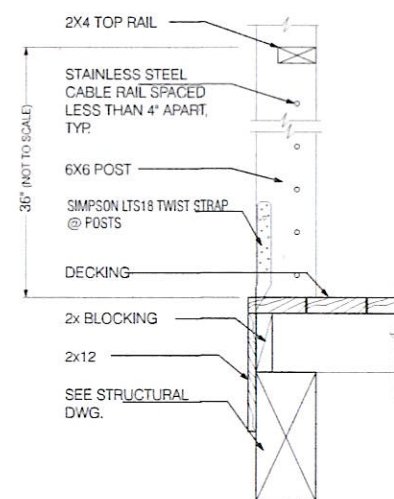
*HIGH EFFICIENCY LAMPS ARE DEFINED AS:
- T-5 OR SMALLER DIAMETER FLUORESCENT
- COMPACT FLUORESCENT
- 60 LUMENS / WATT IF > 40W
- 50 LUMENS / WATT IF > 15W AND ≤ 40W
- 40 LUMENS / WATT IF < 15W
MOST, BUT NOT ALL, LED LAMPS WILL QUALIFY. APPLIED
TO PERMANENTLY INSTALLED FIXTURES.
LOW VOLTAGE LIGHTING IS EXEMPT.

ELECTRICAL DATA & AUDIO NOTES:
HOME OWNER SHALL DO A WALK-THRU WITH RELEVANT
INSTALLERS TO VERIFY THE EXACT LOCATION FOR
OUTLETS, LIGHTS, SWITCHES, CABLE, DATA, PHONE,
AUDIO, ETC.

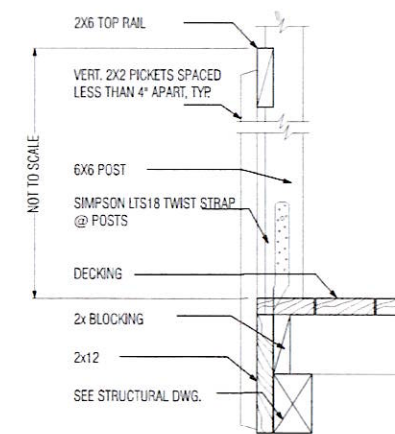
ELECTRICAL NOTES:
1. ELECTRICAL RECEPTACLES IN BATHROOMS,
KITCHENS AND GARAGES SHALL BE G.F.I. OR G.F.C.I.
PER NATIONAL ELECTRICAL CODE REQUIREMENTS.
2. PROVIDE ONE SMOKE DETECTOR IN EACH ROOM AND
ONE IN EACH CORRIDOR ACCESSING BEDROOMS.
CONNECT SMOKE DETECTORS TO HOUSE POWER
AND INTER-CONNECT SMOKE DETECTORS SO THAT
WHEN ANY ONE IS TRIPPED, THEY ALL WILL SOUND.
PROVIDE BATTERY BACKUP FOR ALL UNITS.
3. CIRCUITS SHALL BE VERIFIED WITH HOME OWNER
PRIOR TO WIRE INSTALLATION.
4. FINAL SWITCHES FOR TIMERS AND DIMMERS SHALL
BE VERIFIED WITH HOME OWNER.
5. FIXTURES TO BE SELECTED BY HOME OWNER.

AUDIO:
1. LOCATE SPEAKERS AND AUDIO CONTROLS AS
INDICATED IN THE PLAN. RUN CIRCUIT OF SPEAKER
WIRING TO AUDIO HOME PANEL SPECIFIED BY FLOOR.
2. AUDIO SPEAKERS TO BE APPROVED BY HOME
OWNER.
3. LOCATE JACKS AS INDICATED IN THE PLAN. INSTALL
DATA / CABLE PANEL SIMILAR TO "ON Q". SYSTEM TO
BE APPROVED BY HOME OWNER.

DATA / CABLE:
LOCATE SECURITY PANELS AS INDICATED IN THE PLAN.
SYSTEM TO BE APPROVED BY HOME OWNER.

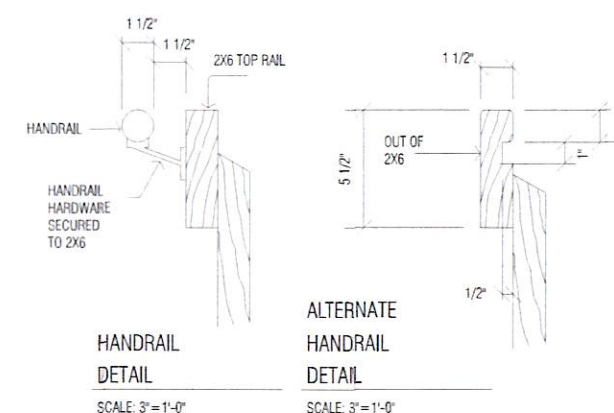


CABLE RAILING OPTION
Scale: 1-1/2" = 1'-0"



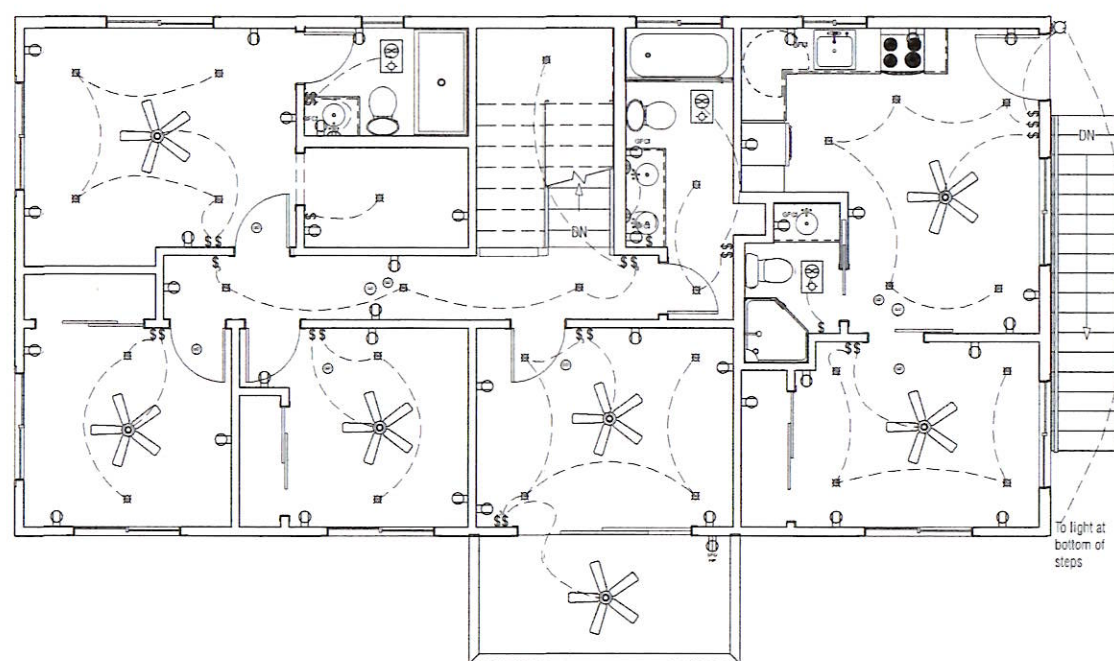
PICKET RAILING OPTION
Scale: 1-1/2" = 1'-0"

Stair Detail : 1/2 in = 1 ft

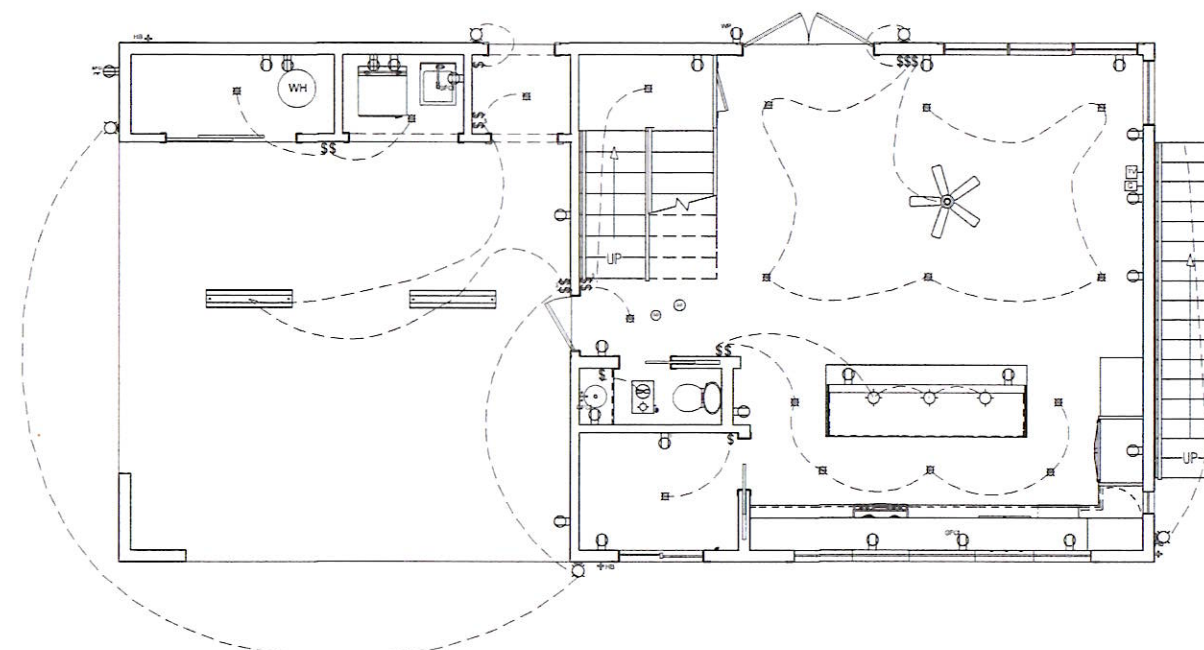


HANDRAIL
DETAIL
SCALE: 3" = 1'-0"

ALTERNATE
HANDRAIL
DETAIL
SCALE: 3" = 1'-0"



2nd Floor Electrical Plan : 1/4 in = 1 ft

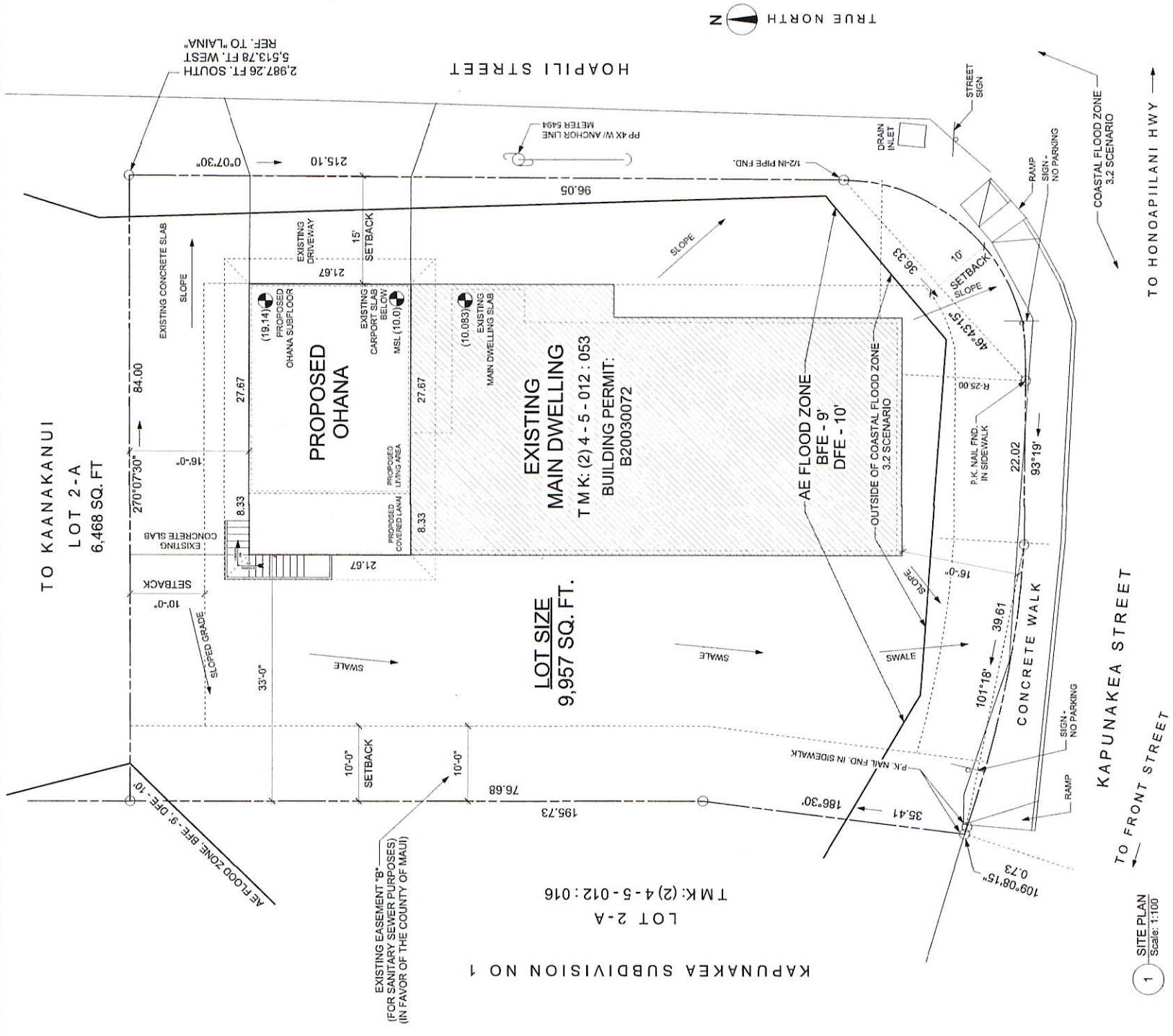


1st Floor Electrical Plan : 1/4 in = 1 ft

consult / opinion
JR JRSE 10/23/2024



EXHIBIT B
VIELA RESIDENCE JRSE MARK UPS



VIELA OHANA

1305 HOAPILI STREET, LAHAINA, MAUI, HAWAII 96761

TMK: (2) 4-5-012:153

TO KAAKANUI
LOT 2-A
6,468 SQ. FT.

LOT SIZE
9,957 SQ. FT.

EXISTING
MAIN DWELLING
TMK: (2) 4-5-012:053
BUILDING PERMIT:
B20030072

PROPOSED
OHANA

KAPUNAKEA SUBDIVISION NO 1

LOT 2-A
TMK: (2) 4-5-012:016

EXISTING EASEMENT "B"
(FOR SANITARY SEWER PURPOSES)
(IN FAVOR OF THE COUNTY OF MAUI)

1 SITE PLAN
Scale: 1"=100'

COUNTY OF MAUI MAUI COUNTY CODE, CHAPTER 16.168 ENERGY CODE RESIDENTIAL PROVISIONS	
COMPLIANCE METHOD	
<input type="checkbox"/> R401.2(1) R401.3 Through R404 (Prescriptive)	
<input type="checkbox"/> R401.2(2) R405, R401 Through R404 (Simulated Performance Method)	
<input type="checkbox"/> R401.2(3) R405 (Energy Rating Index Compliance Alternative)	
<input checked="" type="checkbox"/> R401.2(4) R401.2.1 (Tropical Zone)	
<input type="checkbox"/> R402.1 (Alternative)	
To the best of my knowledge, this project's design substantially conforms to the Energy Code.	
Signature: <i>Mary Colette Rixey</i>	Date: 07/01/2024
Name: Mary Colette Rixey	Title: Architect
License No.: AR-19008	

INDEX OF DRAWINGS	
1. SITE PLAN	
2. ELEVATIONS	
3. FLOOR PLAN	
4. FOUNDATION & FRAMING PLANS	
5. BUILDING SECTIONS & DETAILS	
6. ELECTRICAL PLAN, ROOF PLAN & ELEVATIONS	

Hawaii Revised Statutes 1955.5
A solar water heater system is required for all new single family dwellings unless the chief energy officer of the Hawaii state energy office approves a variance.

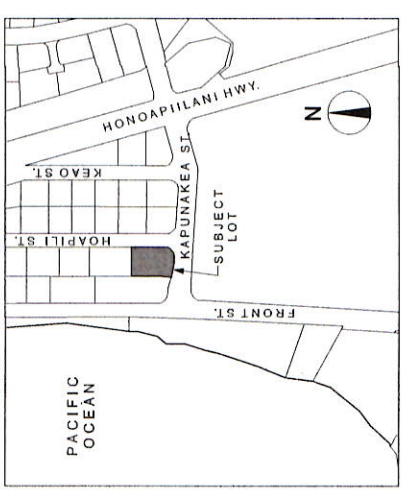
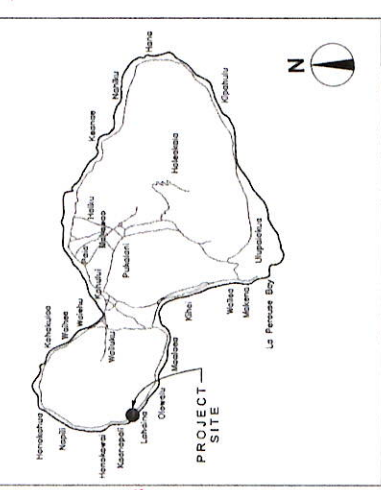
OWNER:	CHAD VIELA
ADDRESS:	1305 HOAPILI STREET, LAHAINA, HI 96761
TAX MAP KEY:	(2) 4-5-012:053
ZONING:	R-3 (RESIDENTIAL)
CONSTRUCTION TYPE:	TYPE V
OCCUPANCY GROUP:	R-3 (DWELLING)
BUILDING CODE:	2016 INTERNATIONAL RESIDENTIAL CODE OR THE 2018 INTERNATIONAL BUILDING CODE
LIVING AREA:	599 SQ. FT.
COVERED LANAI / STAIR:	62 SQ. FT.
GARAGE / STORAGE:	0
OTHER:	0
TOTAL AREA:	660 SQ. FT.
WIND DESIGN DATA:	ULTIMATE BASIC WIND SPEED: $V_{basic} = 110$ ALLOWABLE STRESS DESIGN WIND SPEED: $V_{ASD} = 85$
RISK CATEGORY:	RISK CATEGORY II FOR ONSHORE WIND DIRECTIONS
EXPOSURE CATEGORY:	EXPOSURE CATEGORY 1 (Flat Contour)
TOPOGRAPHIC FACTOR:	1 (Flat Contour)
SEISMIC DESIGN CATEGORY:	II
INTERVAL PRESSURE COEFFICIENT:	$GPR = +.18 / -.18$ (PARTIALLY OPEN)
DIRECTIONALITY FACTOR:	MAIN WIND FORCE RESISTING SYSTEM (MFRRS): $K_d = .85$
DIRECTIONALITY FACTOR:	COMPONENTS AND CLADDING: $K_d = .85$

FLOOD ZONE:
PANEL 150003035 IF EFF. 9/19/2012
BFE = 9' MSL BASE FLOOD ELEV.
DFE = 10'
ELEVATION AT STREET LEVEL = 7'

PROTECTION OF OPENINGS:
2018 International Building Code (IBC) county amendments
Maui County Code, Chapter 16.26C Building Code
County Ordinance 5508
1609.3 Protection of Openings:
Wood structural panels with a minimum thickness of 1/4 inch (11.1 mm) and maximum panel span of 6 feet (2433 mm) shall be permitted for opening protection in buildings with a mean roof height of 33 feet (10 059 mm) or less that are classified as a Group R-3 or R-4 occupancy. Panels shall be attached to the framing surrounding the opening in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.3.4 with a mean roof height of 45 feet (13 716 mm) or less where (V_{ASD}) V_{ASD} does not exceed 140 mph (63 m/s).

TABLE 1609.3 WIND-BORNE DEBRIS PROTECTION FASTENING SCHEDULE FOR WOOD STRUCTURAL PANELS a.b.c.d			
FASTENER TYPE	FASTENER SPACING		
	Panel span ≤ 4 feet and 2 6 feet	Panel span < 4 feet and 2 6 feet	Panel span < 6 feet and 2 6 feet
No. 8 Wood screw based anchor with 2-inch embedment length	16"	10"	8"
No. 10 Wood screw based anchor with 2-inch embedment length	16"	12"	9"
1/4-inch lag screw based anchor with 2-inch embedment length	16"	15"	16"

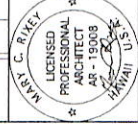
USE FEMALE PANELMATE STAINLESS STEEL HEADS AND CARBON STEEL FASTENER ANCHORS & SIDEWALK BOLTS.
1/4" X 3-1/4" - ENW25 AND 1/4" OR EQUAL PREDRILL PANELS TO FIT. LABEL WITH NUMBER AND LOCATION.



SITE PLAN

VIELA OHANA

1305 HOAPILI STREET, LAHAINA, MAUI, HAWAII 96761 TMK: (2) 4-5-012:053



MARY COLETTTE RIXEY, AIA
1367 S KIHEI RD., UNIT 3-104, KIHEI, HAWAII 96753
phone/email 808-250-2832 / collette@rixeystudio.com

SHEET NO.

A-1

1 OF 5 PAGES

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DATE: JULY 30, 2024
DRAWN BY: MCR
REVISID:
SCALE: AS NOTED

- ask for P.E. #

> SPECIFY ONE, NOT BOTH.

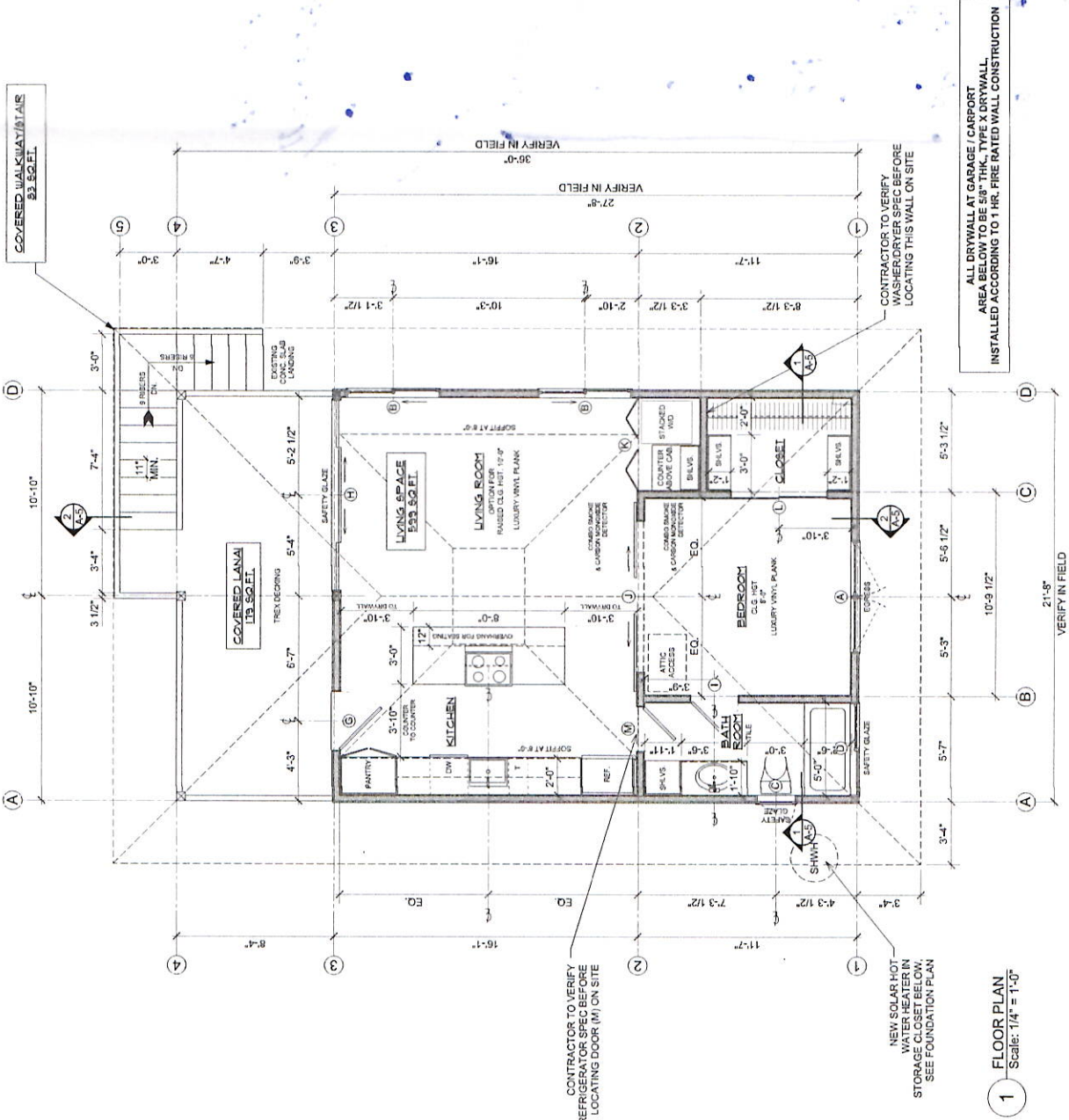
DATE A AND B
ULTIMATE
BASIC WIND SPEED: $V_{basic} = 110$
ALLOWABLE STRESS DESIGN WIND SPEED: $V_{ASD} = 85$
RISK CATEGORY II
EXPOSURE CATEGORY 1 FOR ONSHORE WIND DIRECTIONS
TOPOGRAPHIC FACTOR: 1 (Flat Contour)
SEISMIC DESIGN CATEGORY: II
INTERVAL PRESSURE COEFFICIENT: $GPR = +.18 / -.18$ (PARTIALLY OPEN)
DIRECTIONALITY FACTOR: MAIN WIND FORCE RESISTING SYSTEM (MFRRS): $K_d = .85$
DIRECTIONALITY FACTOR: COMPONENTS AND CLADDING: $K_d = .85$

NOT APPLICABLE.
DESIGN CRITERIA - D.V.V.

COASTAL - VINE STAINLESS STEEL
OR HING AGTM ANCH, ANCH.
OR HING
NOT 2 MAX. UNIFORM THAT'S AN
SIMPSON HANG. (9109 MIN)

- Chris Oana
Bldg inspection office

WILLIAMS LONDON & BRISTOL
JULY 1890 → INC. CHART 514. P
WILLIAMS LONDON & BRISTOL



1 FLOOR PLAN
Scale: 1/4" = 1'-0"

LIGHT & VENTILATION CALCULATIONS				
MIN. LIGHT REQUIREMENT TO BE ≥ 2% OF FLOOR AREA				
MIN. VENTILATION REQUIREMENT TO BE ≥ 14% OF FLOOR AREA				
AREA	LIGHT	VENT		
SQ. FT.	SQ. FT.	SQ. FT.		
LIVING ROOM	298	80.16	26.8	20.3
BEDROOM	113	17.9	15.8	15.8

SQUARE FOOTAGE BREAKDOWN				
LIVING AREA	599	SQ. FT.		
COVERED LANAI	179	SQ. FT.		
COVERED WALKWAY	62	SQ. FT.		
GARAGE STORAGE	0	SQ. FT.		
OTHER	0	SQ. FT.		
TOTAL FLOOR AREA	840	SQ. FT.		

WINDOW SCHEDULE						
ALL HARDWARE TO MATCH PER OWNERS SPECIFICATION						
CONTRACTOR TO VERIFY ROUGH OPENING SPECIFICATIONS BEFORE FRAMING.						
SYMBOL	LOCATION	TYPE	SERIES & STYLE	R.O. WIDTH X HEIGHT	MATERIAL	NOTES
A	BEDROOM	DOUBLE CASEMENT	MILGARD, STYLELINE	72" X 48"	ALUMINUM, W/ SCREEN	EGRESS
B	LIVING ROOM	SLIDER	MILGARD, STYLELINE	60" X 48"	ALUMINUM, W/ SCREEN	
C	BATH ROOM	CASEMENT	MILGARD, STYLELINE	24" X 42"	ALUMINUM, W/ SCREEN	SAFETY GLAZE
D	SHOWER	SLIDER	MILGARD, STYLELINE	60" X 18"	ALUMINUM, W/ SCREEN	SAFETY GLAZE

DOOR SCHEDULE						
ALL HARDWARE TO MATCH PER OWNERS SPECIFICATION						
CONTRACTOR TO VERIFY ROUGH OPENING SPECIFICATIONS BEFORE FRAMING.						
SYMBOL	LOCATION	TYPE	SERIES & STYLE	R.O. WIDTH X HEIGHT	MATERIAL	NOTES
G	KITCHEN	SWINGING PATIO	MILGARD, V400 TUSCANY	37" X 80"	VINYL	SAFETY PANEL, SINGLE PANEL, OPERABLE
H	LIVING RM.	SLIDING PATIO	MILGARD, A250 TIA	118 3/4" X 80"	ALUMINUM	4 PANEL, SAFETY GLAZE
I	BATH RM.	INT.	BUFFELIN, MDP 2 PANEL, 1 5/8"	UNIT SIZE: 30" X 60"	MOF SOLID FOR PAINT	
M	BATH RM.	INT.	BUFFELIN, MDP 2 PANEL, 1 5/8"	UNIT SIZE: 28" X 60"	MOF SOLID FOR PAINT	
J	BEDROOM	SLIDING BARN DOORS	TBD BY OWNER	UNIT SIZE: 120" X 80"		2 PANEL
K	LAUNDRY CLOSET	BI-FOLD ACCORDION	TBD BY OWNER	UNIT SIZE: 60" X 60"		
L	CLOSET	SLIDING	TBD BY OWNER	UNIT SIZE: 60" X 60"		MIRROR PANELS

*VERIFY REFRIGERATOR SIZES BEFORE DETERMINING THIS DOOR SIZE

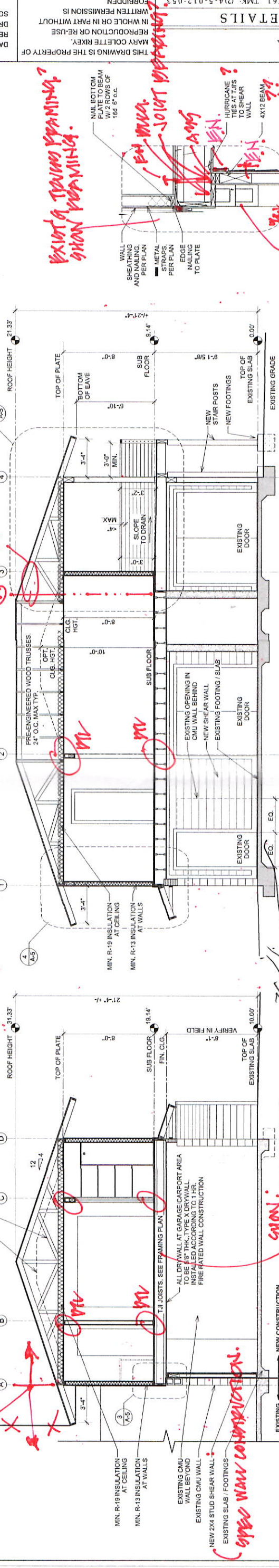
VIELA OHANA FLOOR PLAN & SCHEDULES

1305 HOAPILI STREET, LAHA'INA, MAUI, HAWAII 96761 TMK: (2)4-5-012:053



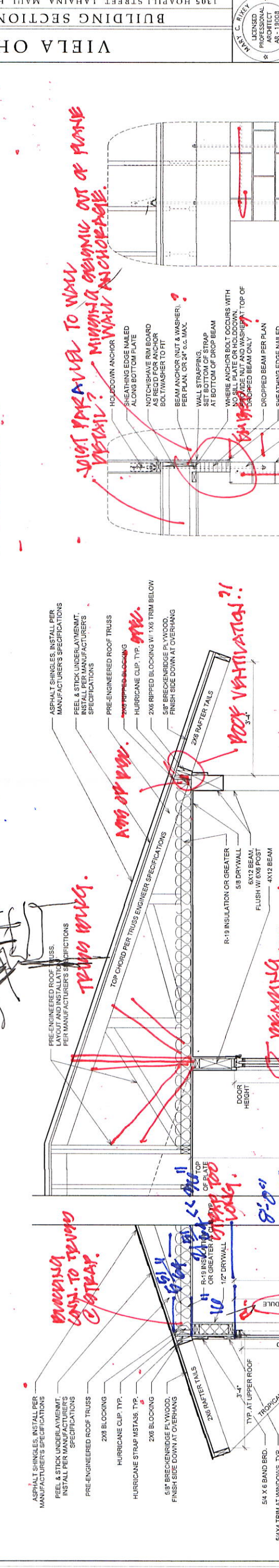
MARY COLETTE RIXEY, AIA
1367 S KIHIE RD., UNIT 3-104, KIHIE, HAWAII 96753
phone/email: 808-250-2832 / colette@rixystudio.com

THIS DRAWING IS THE PROPERTY OF MARY COLETTE RIXEY. REPRODUCTION OR RE-USE IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION IS FORBIDDEN.
DATE: JULY 30, 2024
DRAWN BY: MCR
REVISID:
SCALE: AS NOTED



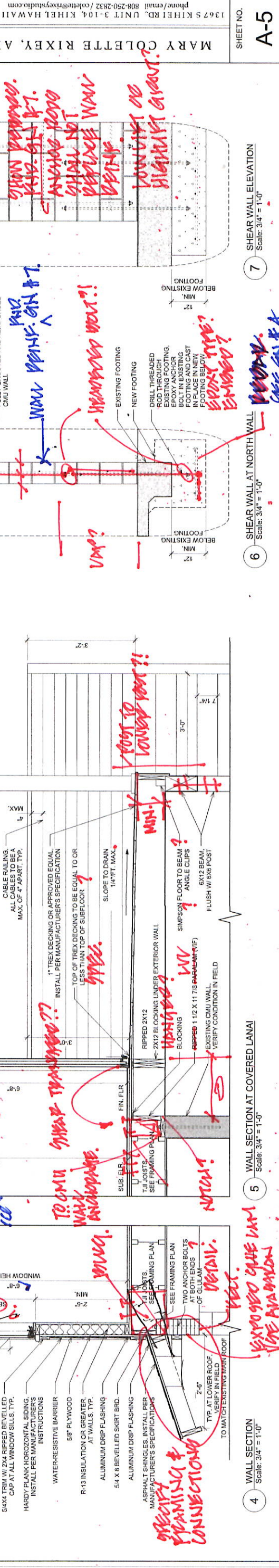
1 TRANSVERSE SECTION
Scale: 1/4" = 1'-0"

3 SHEAR WALL AT SOUTH WALL
Scale: 3/4" = 1'-0"



2 TRANSVERSE SECTION
Scale: 1/4" = 1'-0"

6 SHEAR WALL AT NORTH WALL
Scale: 3/4" = 1'-0"



5 WALL SECTION AT COVERED LANAI
Scale: 3/4" = 1'-0"

4 WALL SECTION
Scale: 3/4" = 1'-0"



EXHIBIT C
TOMINC RESIDENCE NON CONFORMING SITE WALLS PLANS

PROPOSED IN-GROUND SWIMMING POOL & SPA FOR HEATHER TOMINC

TMK: 350240220000

COUNTY OF MAUI
MAUI COUNTY CODE, CHAPTER 16.16C ENERGY CODE
RESIDENTIAL PROVISIONS

COMPLIANCE METHOD
Check applicable method

☒

R401.2(1) R401.3 through R404 (Prescriptive)

☐

R401.2(2) R405, R401 through R404 labeled Mandatory (Simulated Performance Alternative)

☐

R401.2(3) R406 (Energy Rating Index Compliance Alternative)

☐

R401.2(4) R401.2.1 (Tropical Zone)

☐

R102.1 (Alternative)

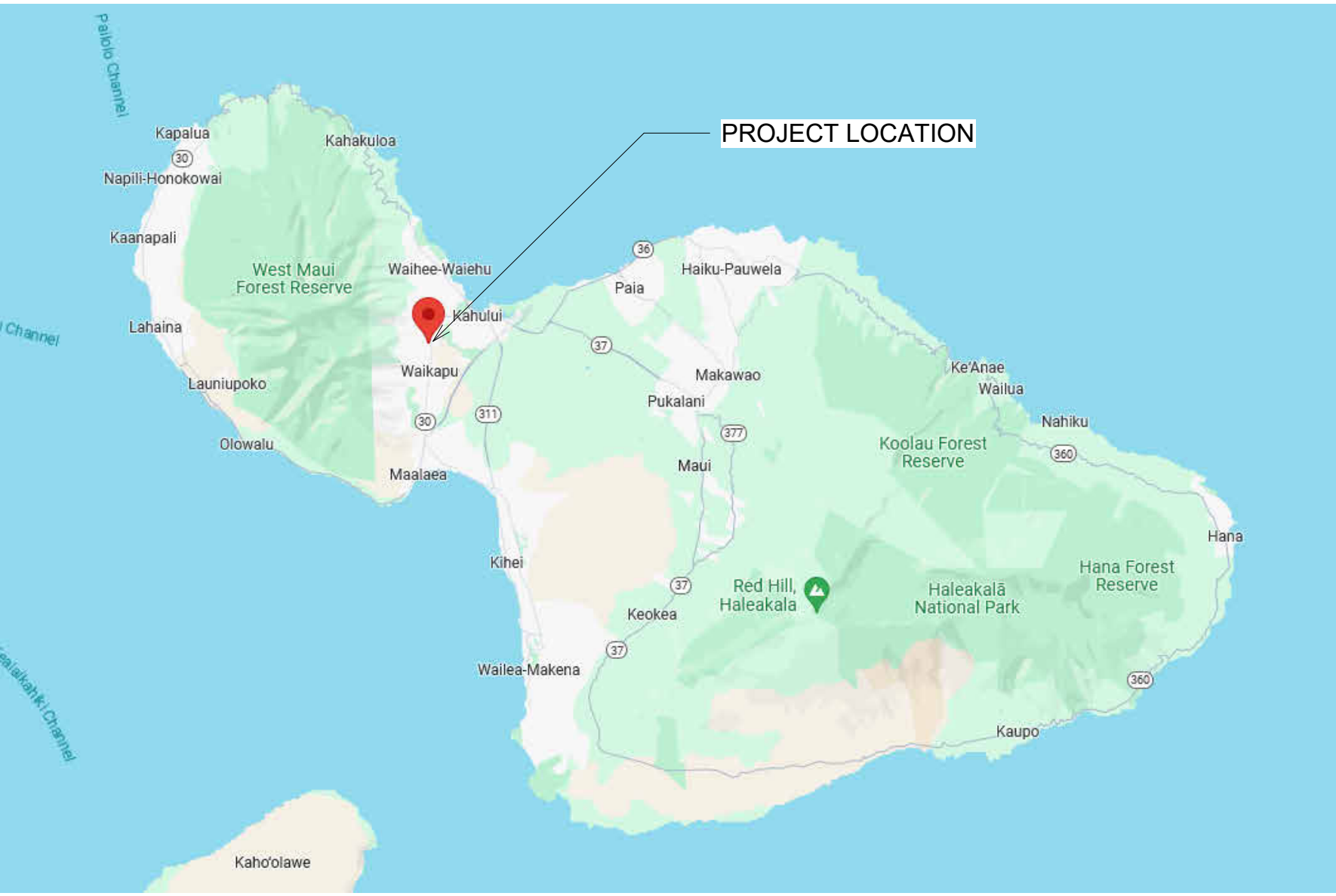
To the best of my knowledge, this project's design substantially conforms to the Energy Code.

Signature: WILL MCTHEWSON

Date: 08-01-2024

Title: ARCHITECT

License No.: AR-10232



VICINITY MAP NOT TO SCALE

SCOPE OF WORK:
CONSTRUCT NEW 36'-0" X 19'-5" SWIMMING POOL,
IN-GROUND CONCRETE ON-GRADE WITH RAISED
8' X 8' SPA
CONSTRUCT NEW CONCRETE PATIO 1550 S.F.

PROPERTY OWNER: Heather Tominc
ADDRESS: 12 Hakalani Pl, Wailuku, HI 96793
PARCEL NUMBER: 350240220000
LEGAL INFO: LOT 22 SITE 20 AT KEHALANI FP 2414
10,568 SF
LOT SIZE: 10,568 SF
POOL SIZE: 32'-0" X 19'-5"
POOL DEPTH: 3'-6" TO 7'-0"
POOL AREA: 820 S.F.
CONCRETE POOL DECK: 1550 S.F.
SPA SIZE: 8'-0" X 8'-0"
SPA DEPTH: 3'-6"
GRADING AREA: 2016 S.F.
EXCAVATION MAX DEPTH: 7'-6"
EXCAVATION VOLUME: N/A*
* SPOILS FROM EXCAVATION TO BE RE-PURPOSED
AND USED ON SITE

1. POOL TO BE FILLED BY HOSE BIB ONLY
2. POOL SHALL NEVER DRAIN TO SEWER
3. POOL SHALL HAVE NO RAISED AREA BEYOND THE MIN. SETBACK LINES



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

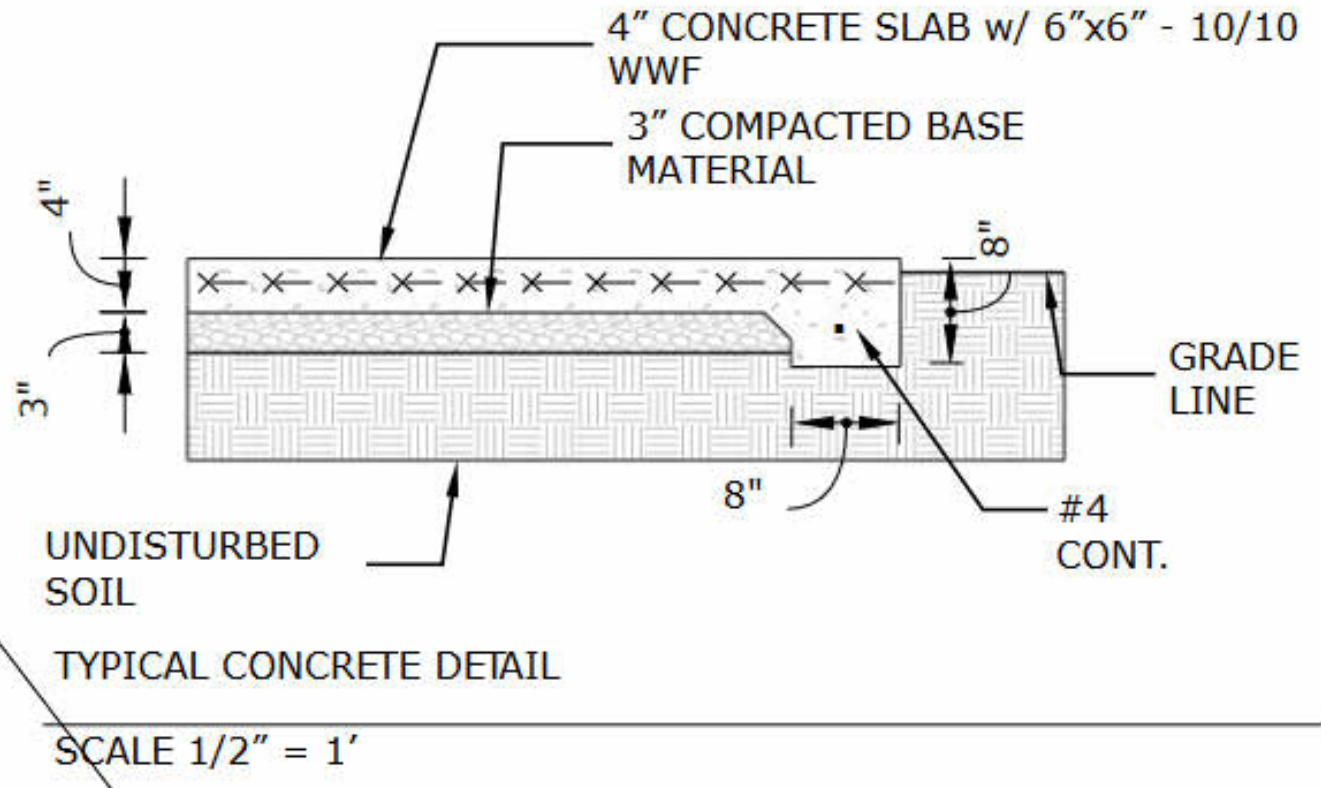
A SET OF PLANS SHALL BE AVAILABLE ON JOBSITE DURING CONSTRUCTION

SHEET INDEX

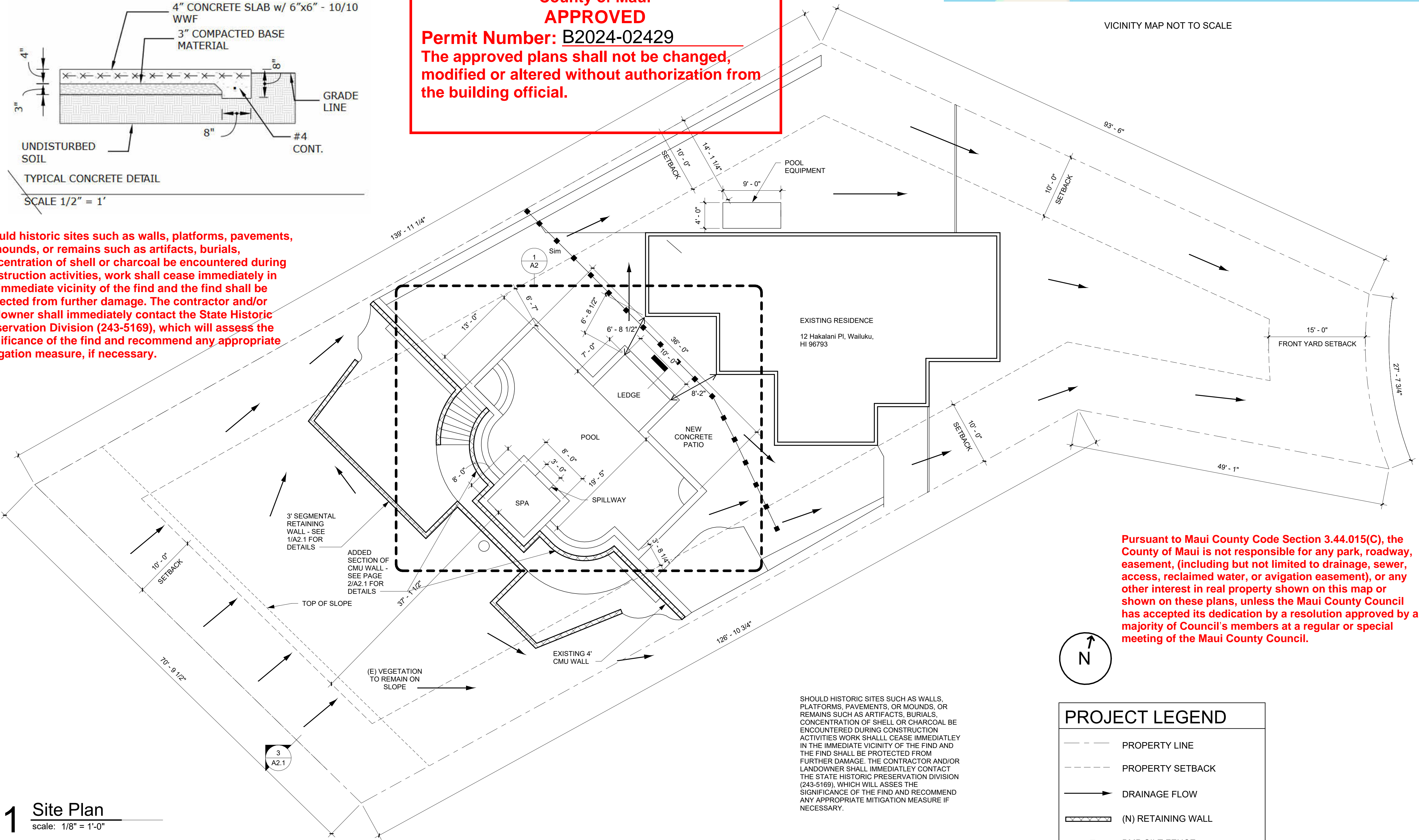
A1	SITE PLAN & INFO
A2	POOL PLAN & SECTIONS
A3	POOL DETAILS
A4	POOL DETAILS

12 Hakalani Pl - Heather Tominc

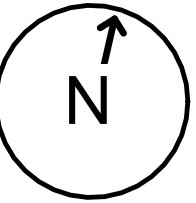
A1 sheet no.



Should historic sites such as walls, platforms, pavements, or mounds, or remains such as artifacts, burials, concentration of shell or charcoal be encountered during construction activities, work shall cease immediately in the immediate vicinity of the find and the find shall be protected from further damage. The contractor and/or landowner shall immediately contact the State Historic Preservation Division (243-5169), which will assess the significance of the find and recommend any appropriate mitigation measure, if necessary.



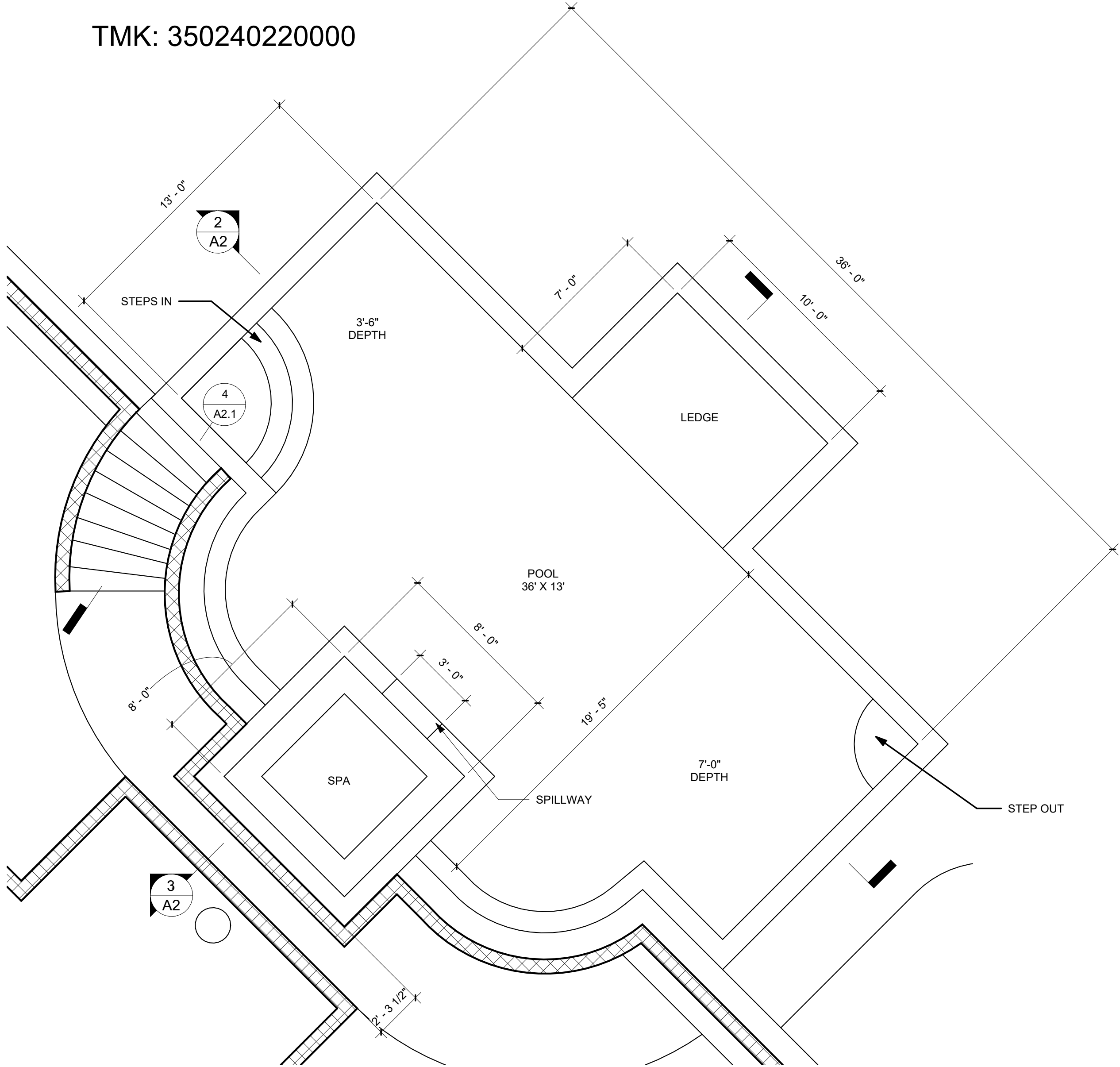
Pursuant to Maui County Code Section 3.44.015(C), the County of Maui is not responsible for any park, roadway, easement, (including but not limited to drainage, sewer, access, reclaimed water, or avigation easement), or any other interest in real property shown on this map or shown on these plans, unless the Maui County Council has accepted its dedication by a resolution approved by a majority of Council's members at a regular or special meeting of the Maui County Council.



PROJECT LEGEND	
	PROPERTY LINE
	PROPERTY SETBACK
	DRAINAGE FLOW
	(N) RETAINING WALL
	BMP SILT FENCE

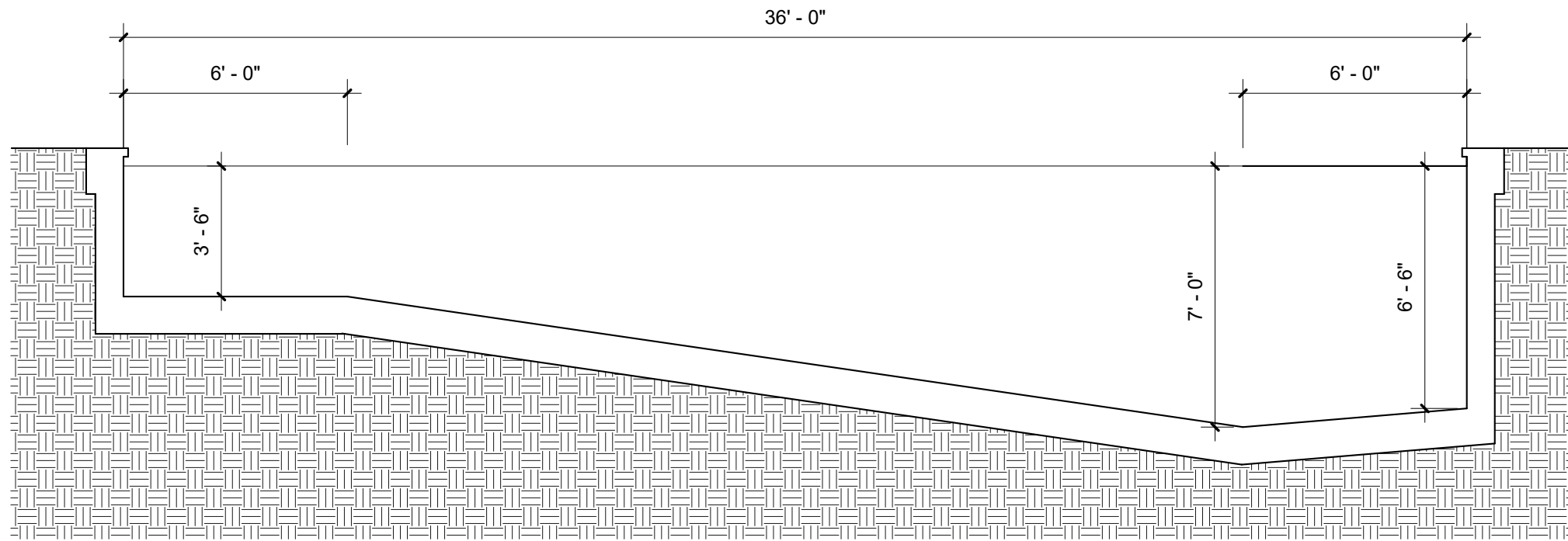
SHOULD HISTORIC SITES SUCH AS WALLS, PLATFORMS, PAVEMENTS, OR MOUNDS, OR REMAINS SUCH AS ARTIFACTS, BURIALS, CONCENTRATION OF SHELL OR CHARCOAL BE ENCOUNTERED DURING CONSTRUCTION ACTIVITIES WORK SHALL CEASE IMMEDIATELY IN THE IMMEDIATE VICINITY OF THE FIND AND THE FIND SHALL BE PROTECTED FROM FURTHER DAMAGE. THE CONTRACTOR AND/OR LANDOWNER SHALL IMMEDIATELY CONTACT THE STATE HISTORIC PRESERVATION DIVISION (243-5169), WHICH WILL ASSES THE SIGNIFICANCE OF THE FIND AND RECOMMEND ANY APPROPRIATE MITIGATION MEASURE IF NECESSARY.

TMK: 350240220000



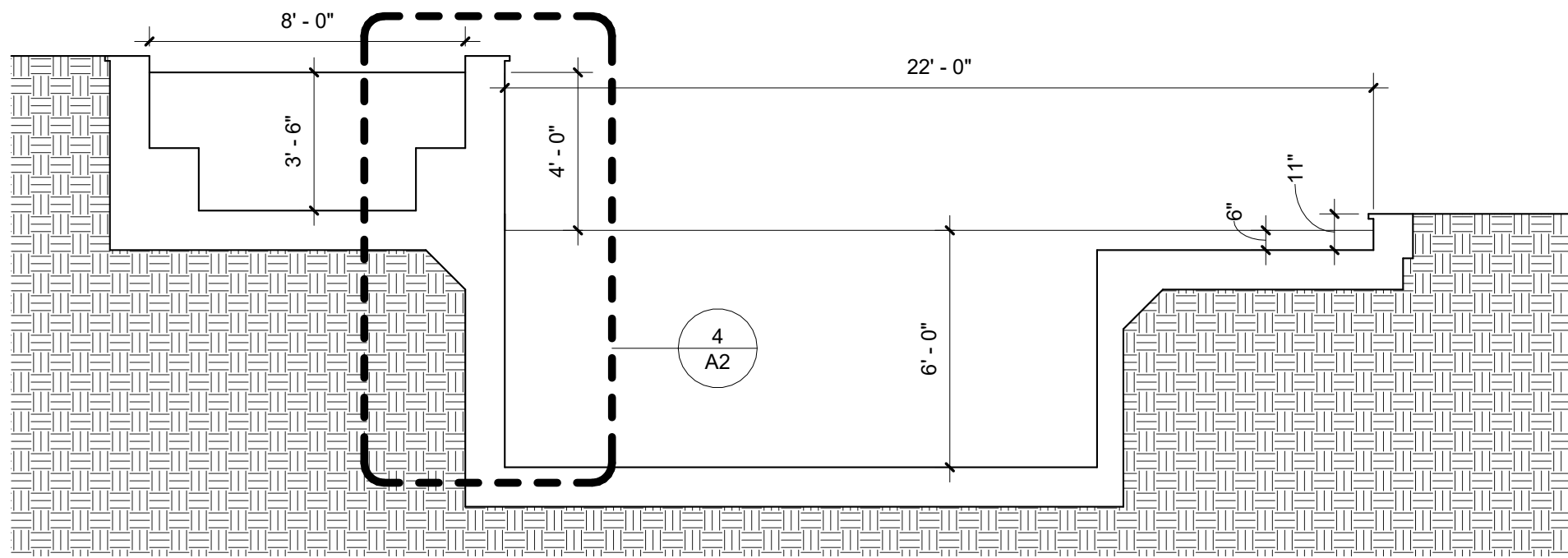
1 Site Plan

scale: 1/4" = 1'-0"



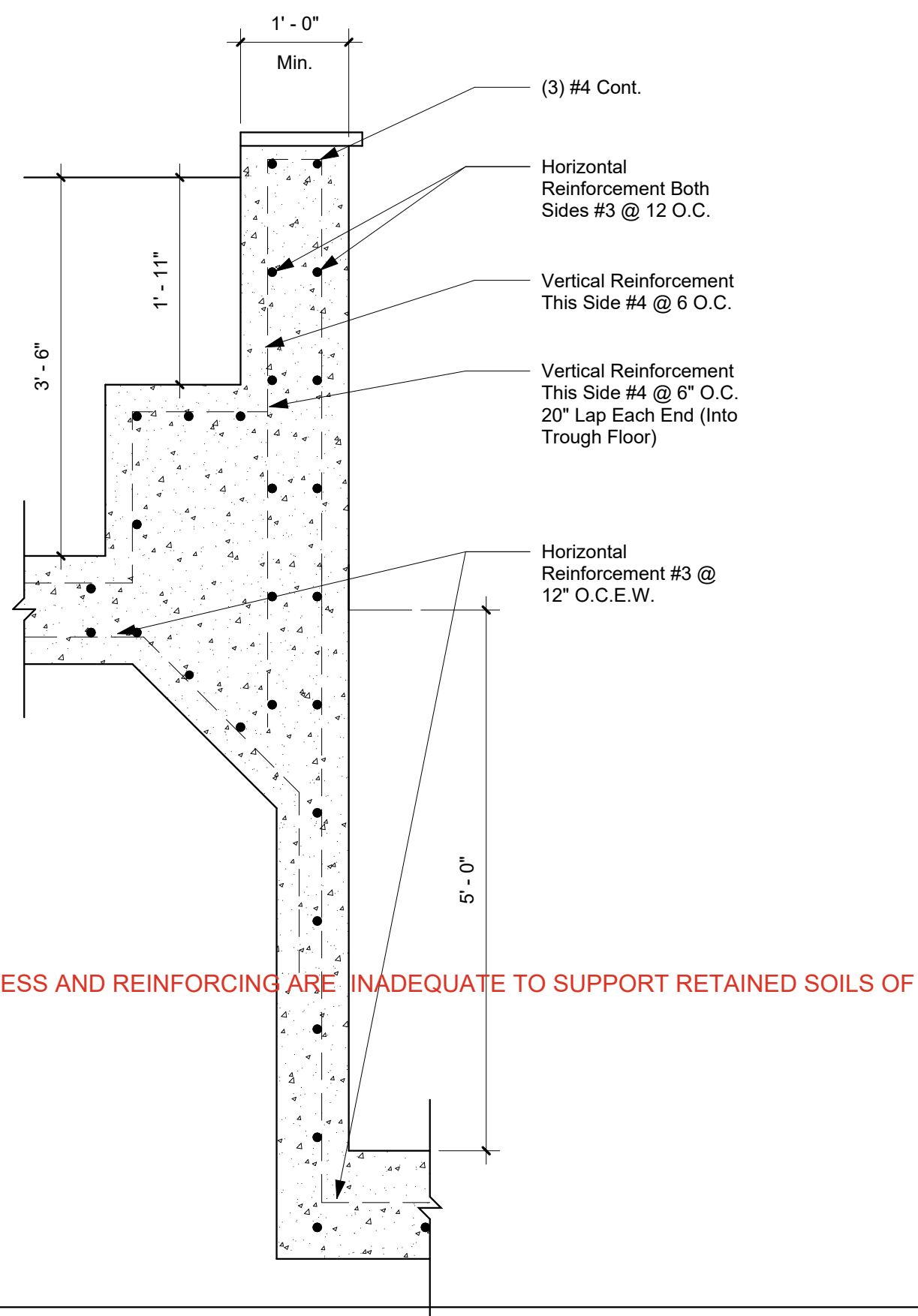
2 Long Section

scale: 1/4" = 1'-0"



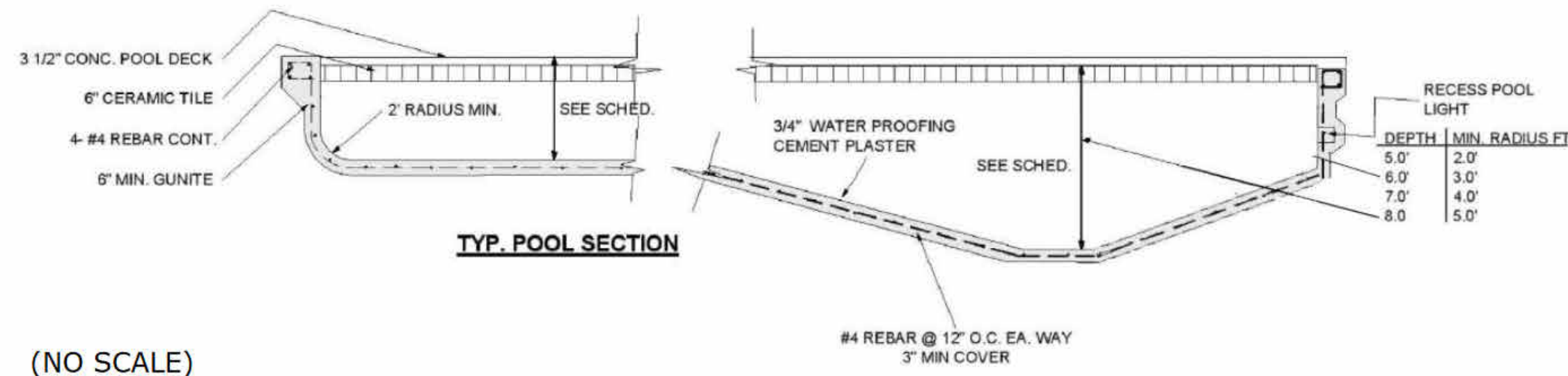
3 Short Section

scale: 1/4" = 1'-0"



4 Spa Wall Detail

scale: 3/4" = 1'-0"



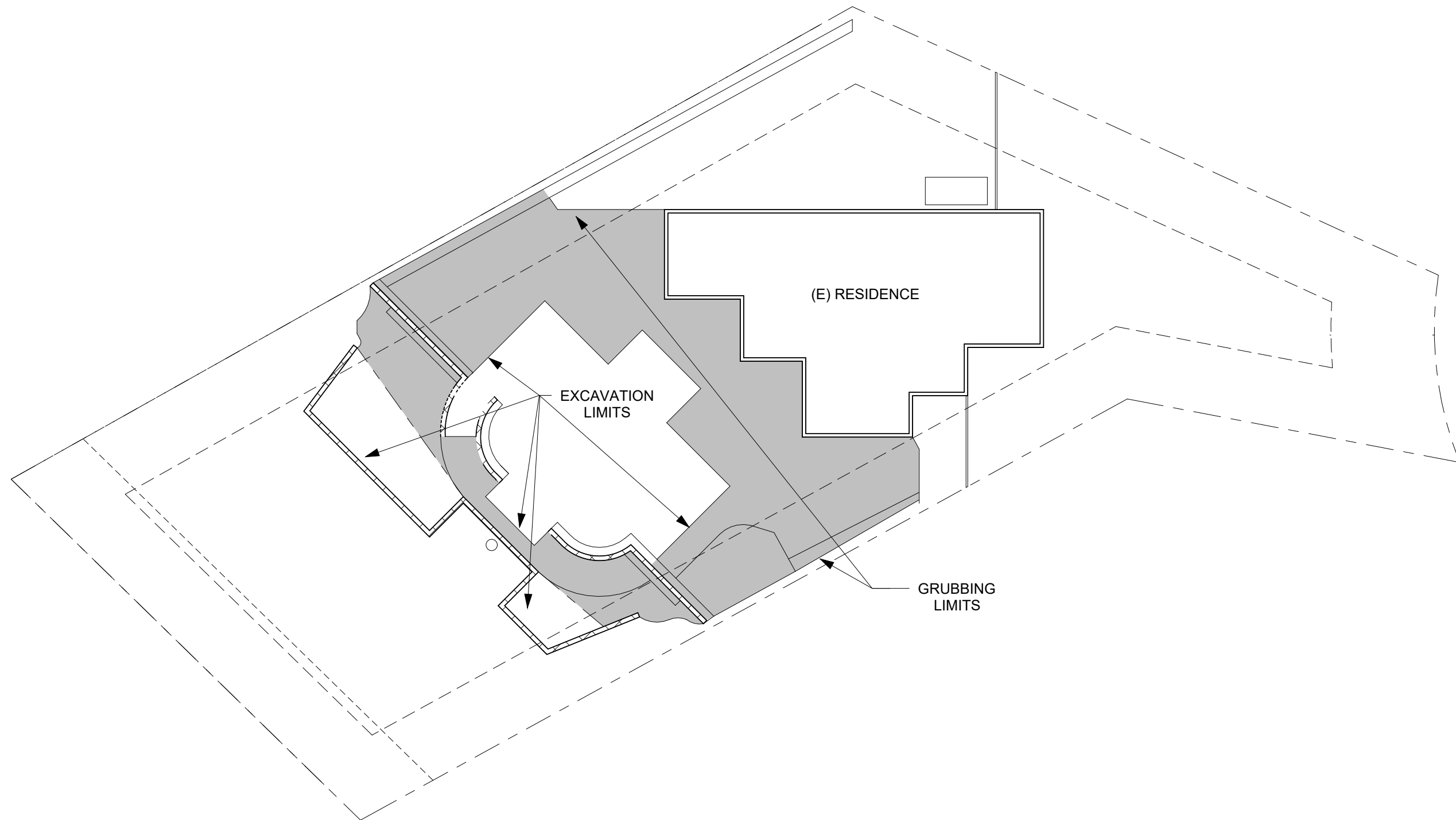
(NO SCALE)



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5 Typ. Pool Section

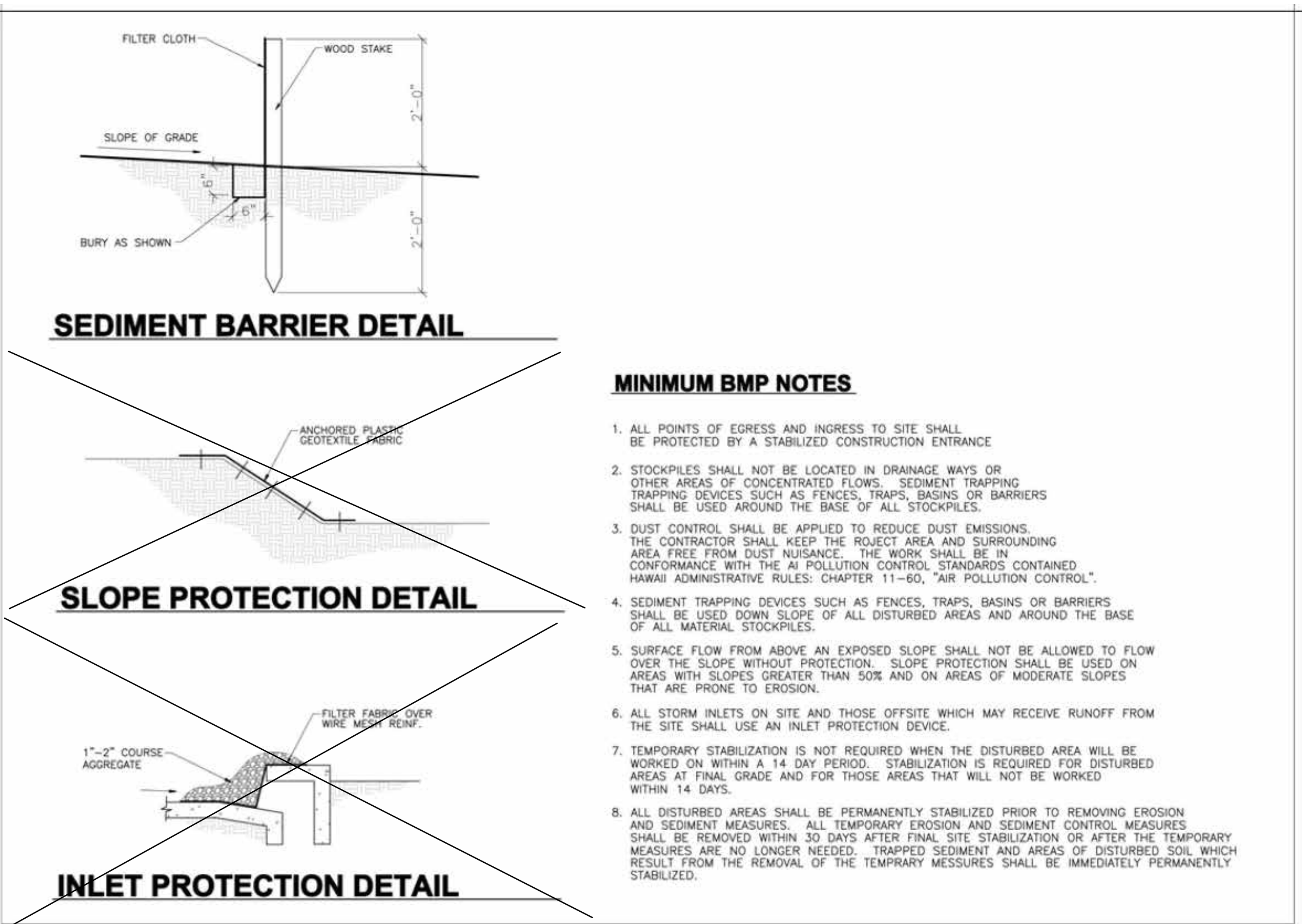
(No Scale)



GRADING & GRUBBING
GRUBBED AREA: 2,016 S.F.
CUT AREA: 1,201 S.F.
MAX CUT DEPTH: 6'-0"
CUT VOLUME: 165 YARDS
EXCAVATED MATERIAL REMOVED FROM SITE

6 Grading Plan

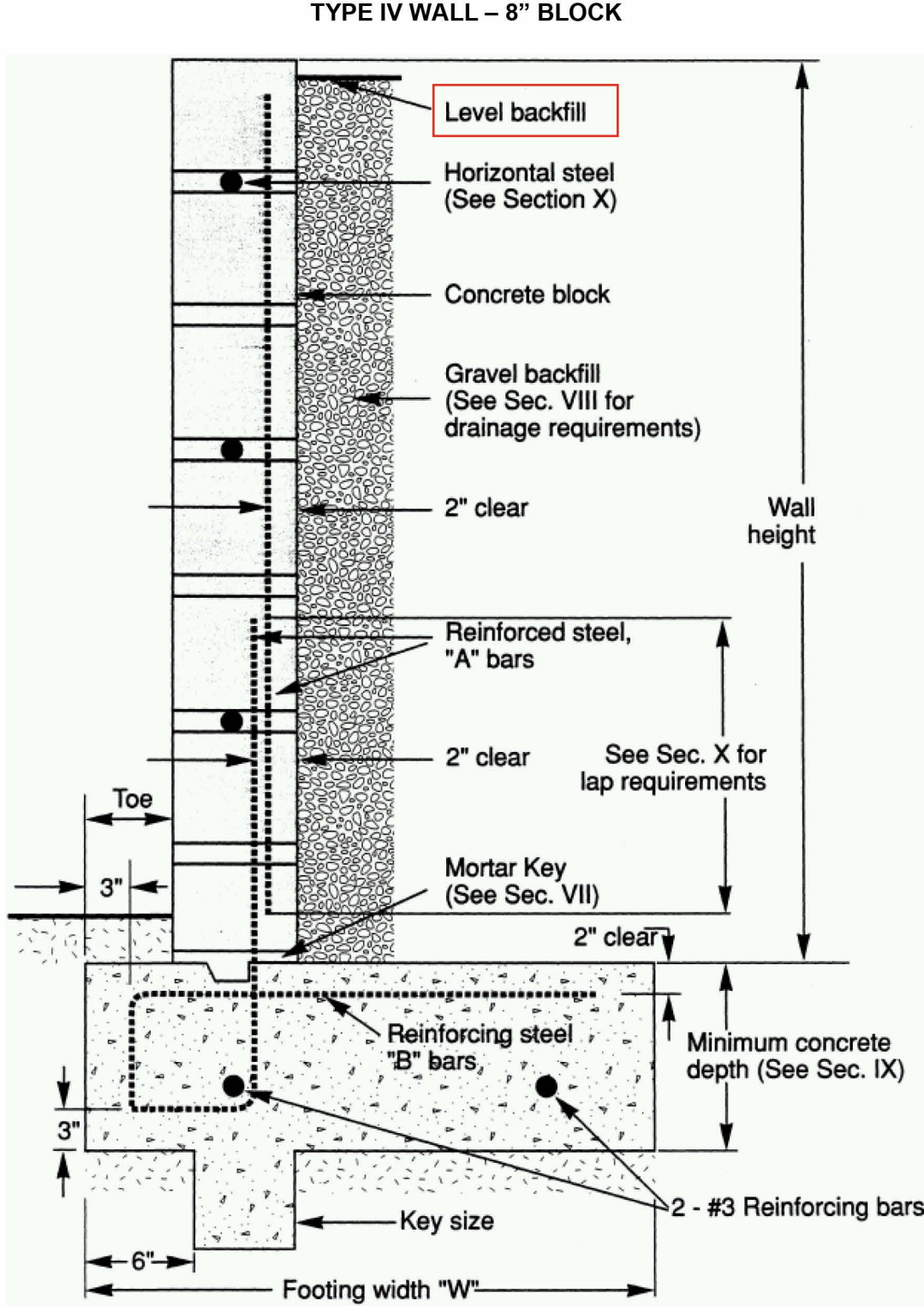
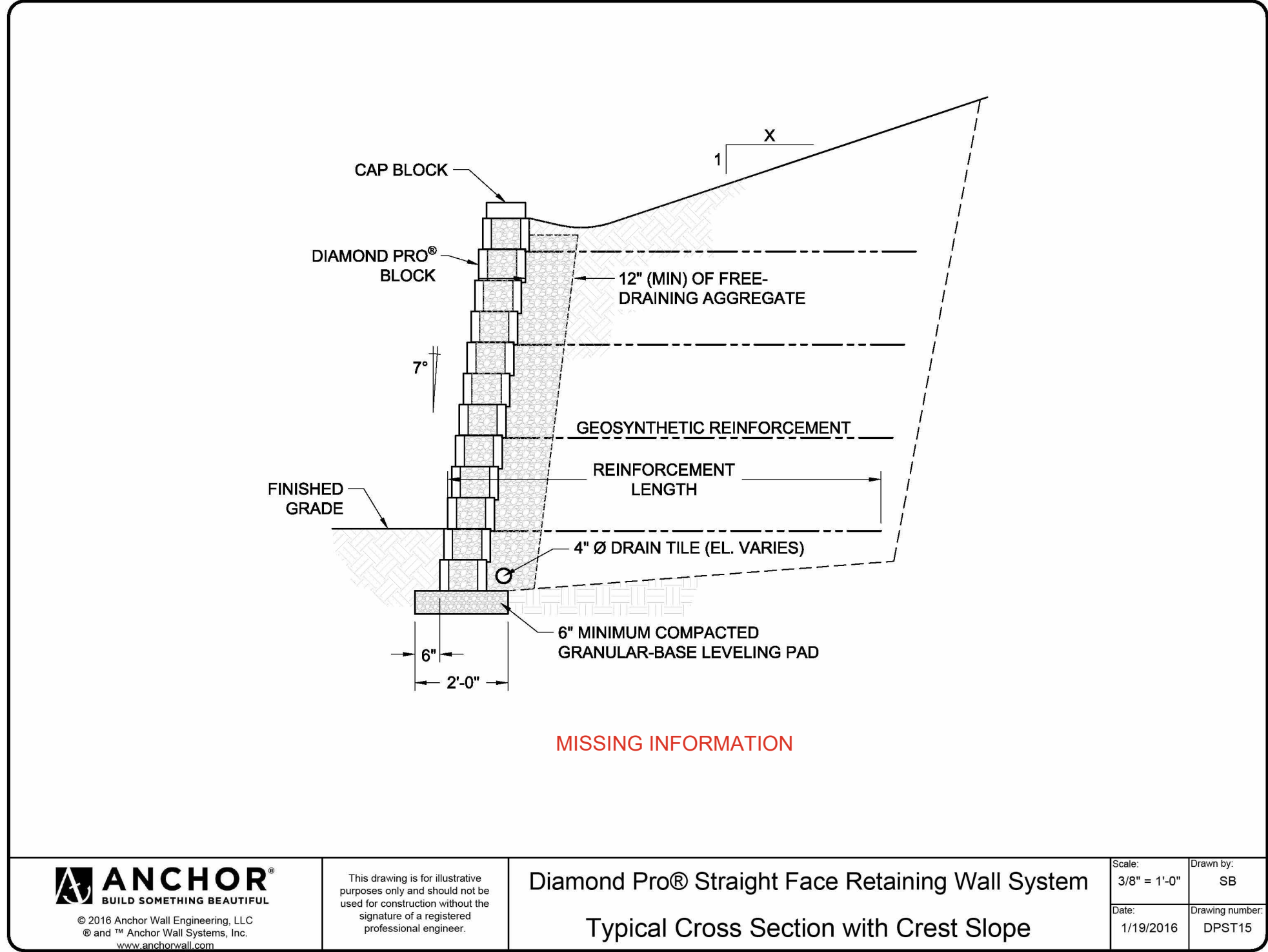
scale: 1/16" = 1'-0"



MINIMUM BMP NOTES

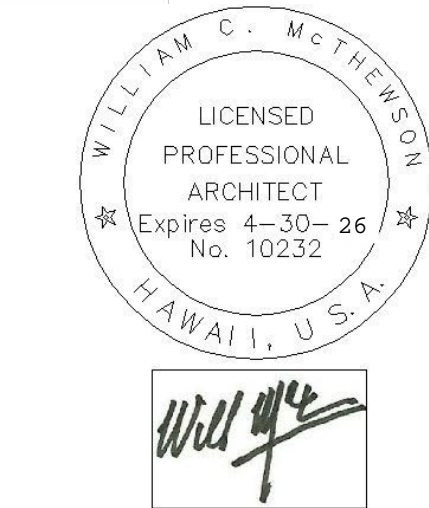
- ALL POINTS OF EGRESS AND INGRESS TO SITE SHALL BE PROTECTED BY A STABILIZED CONSTRUCTION ENTRANCE
- STOCKPILES SHALL NOT BE LOCATED IN DRAINAGE WAYS OR OTHER AREAS OF CONCENTRATED FLOWS. SEDIMENT TRAPPING TRAPPING DEVICES SUCH AS FENCES, TRAPS, BASINS OR BARRIERS SHALL BE USED AROUND THE BASE OF ALL STOCKPILES.
- DUST CONTROL SHALL BE APPLIED TO REDUCE DUST EMISSIONS. THE CONTRACTOR SHALL KEEP THE PROJECT AREA AND SURROUNDING AREA FREE FROM DUST NUISANCE. THE WORK SHALL BE IN CONFORMANCE WITH THE AIR POLLUTION CONTROL STANDARDS CONTAINED HAWAII ADMINISTRATIVE RULES: CHAPTER 11-60, "AIR POLLUTION CONTROL."
- SEDIMENT TRAPPING DEVICES SUCH AS FENCES, TRAPS, BASINS OR BARRIERS SHALL BE USED DOWN SLOPE OF ALL DISTURBED AREAS AND AROUND THE BASE OF ALL MATERIAL STOCKPILES.
- SURFACE FLOW FROM ABOVE AN EXPOSED SLOPE SHALL NOT BE ALLOWED TO FLOW OVER THE SLOPE WITHOUT PROTECTION. SLOPE PROTECTION SHALL BE USED ON AREAS WITH SLOPES GREATER THAN 50% AND ON AREAS OF MODERATE SLOPES THAT ARE PRONE TO EROSION.
- ALL STORM INLETS ON SITE AND THOSE OFFSITE WHICH MAY RECEIVE RUNOFF FROM THE SITE SHALL USE AN INLET PROTECTION DEVICE.
- TEMPORARY STABILIZATION IS NOT REQUIRED WHEN THE DISTURBED AREA WILL BE WORKED ON WITHIN A 14 DAY PERIOD. STABILIZATION IS REQUIRED FOR DISTURBED AREAS AT FINAL GRADE AND FOR THOSE AREAS THAT WILL NOT BE WORKED WITHIN 14 DAYS.
- ALL DISTURBED AREAS SHALL BE PERMANENTLY STABILIZED PRIOR TO REMOVING EROSION AND SEDIMENT MEASURES. ALL TEMPORARY EROSION AND SEDIMENT MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED. TRAPPED SEDIMENT AND AREAS OF DISTURBED SOIL WHICH RESULT FROM THE REMOVAL OF THE TEMPORARY MEASURES SHALL BE IMMEDIATELY PERMANENTLY STABILIZED.

TMK: 350240220000



INADEQUATE WALL FOR 3:1 SLOPE
NO DESIGN INFORMATION-SOIL DESIGN PROPERITES, SEIS, ETC

Wall height	Wall type	Toe	Footing width	Key size	Reinforcing Steel	
					A bars	B bars
1'-4"	III	2"	1'-3"	None	#3 @ 24" o.c.	None
2'-0"	III	2"	1'-6"	None	#3 @ 24" o.c.	None
2'-8"	III	3"	1'-10"	None	#3 @ 24" o.c.	#3 @ 48" o.c.
3'-4"	III	4"	2'-1"	None	#3 @ 24" o.c.	#3 @ 48" o.c.
4'-0"	IV	6"	2'-6"	None	#4 @ 24" o.c.	#3 @ 32" o.c.
4'-8"	IV	11"	2'-11"	None	#4 @ 24" o.c.	#4 @ 24" o.c.
5'-4"	IV	12"	3'-2"	6"x6"	#4 @ 16" o.c.	#4 @ 24" o.c.
6'-0"	V	16"	3'-10"	8"x8"	#4 @ 16" o.c.	#4 @ 24" o.c.
6'-8"	V	16"	4'-4"	8"x8"	#4 @ 16" o.c.	#4 @ 16" o.c.
7'-4"	V	16"	5'-0"	12"x12"	#5 @ 16" o.c.	#4 @ 16" o.c.
8'-0"	V	20"	5'-8"	12"x12"	#6 @ 16" o.c.	#4 @ 16" o.c.



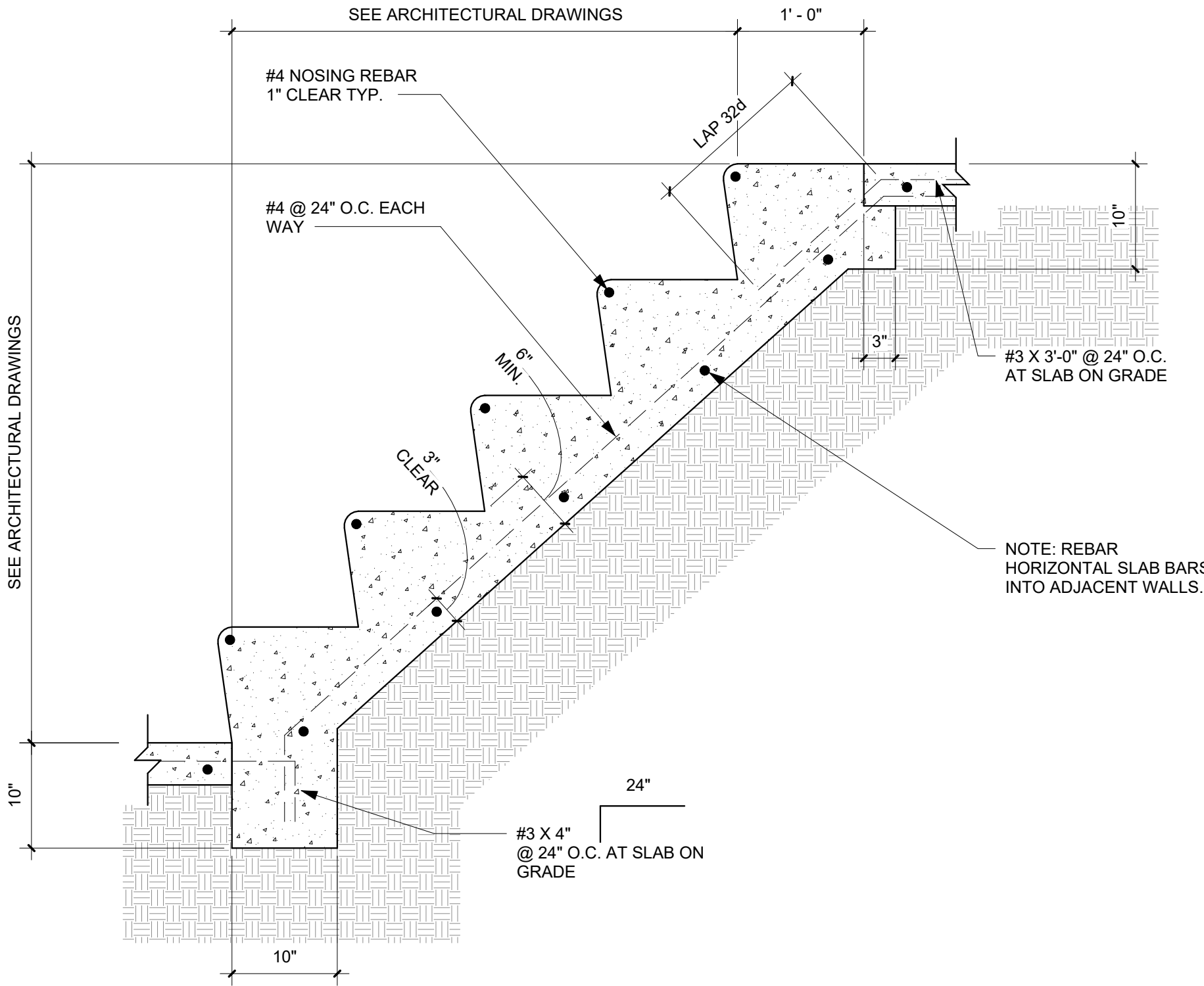
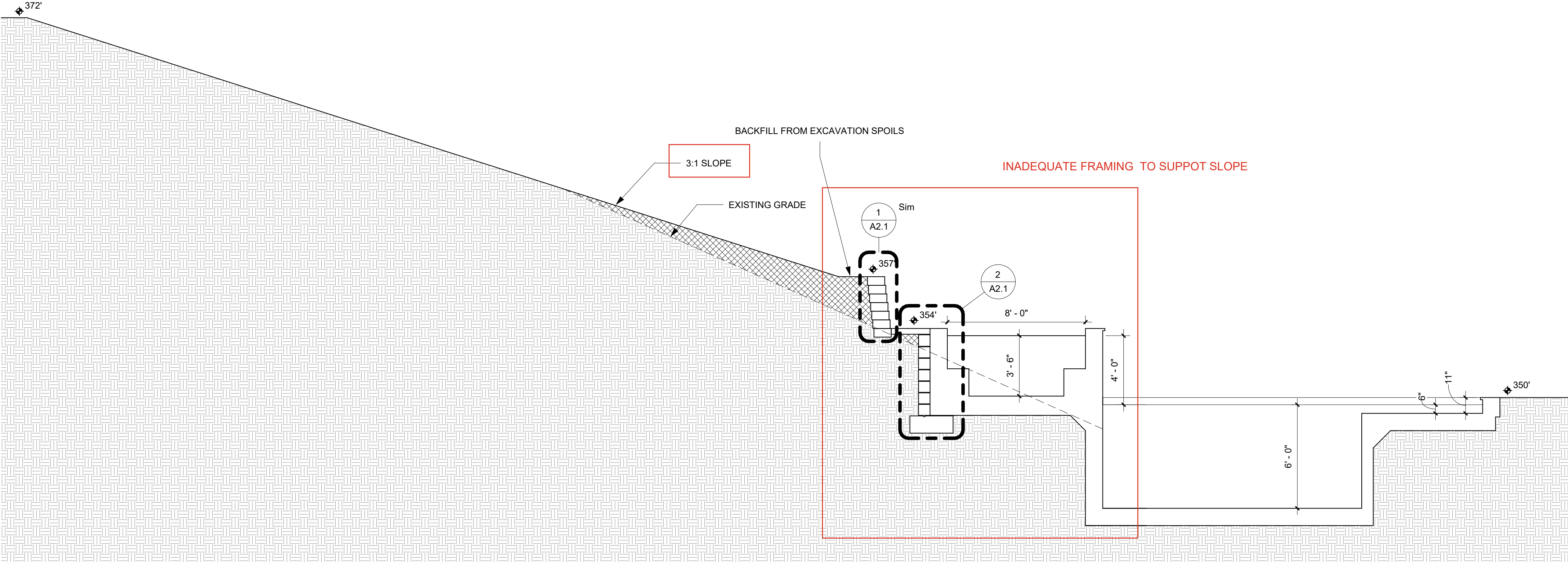
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

1 Typ. Unreinforced Modular Block Gravity Retaining Wall Detail

(No Scale)

2 Type IV Wall Section Typ.

(No Scale)

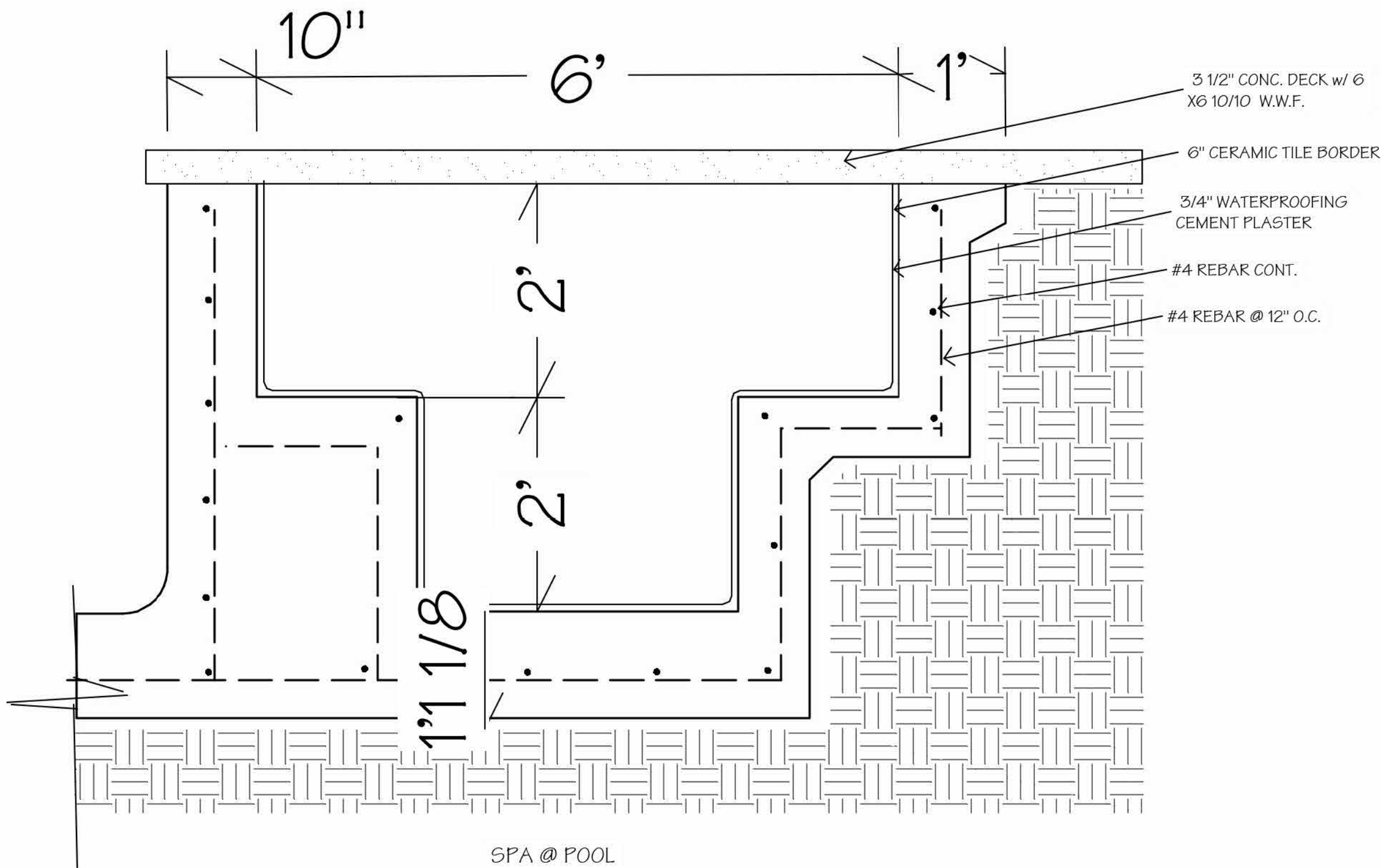
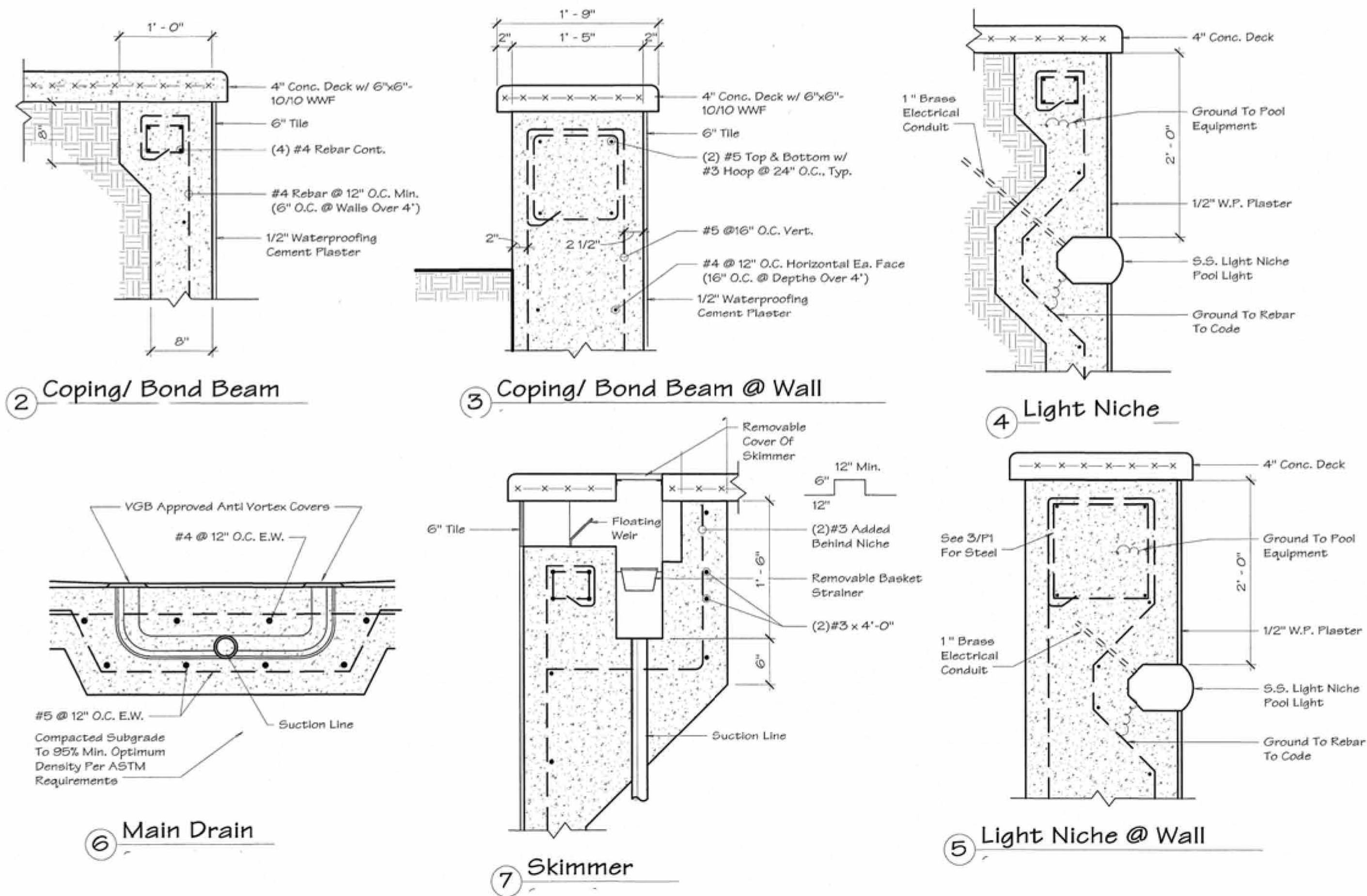


3 Site Section

scale: 1/4" = 1'-0"

4 Conc. Stairs on Grade

scale: 1" = 1'-0"



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TYPICAL POOL DETAILS 1/2"=1'

Pool General Notes

Steel Reinforcing:

Standard Floor & Wall #4 @ 12" O.C. Each Way, Wall Over 4'-0" Deep, #4 @ 6" O.C. Vertically Extending 2'-0" Into Floor Rebar Shall Be Grade 40. All Steel To Be Grounded Electrically.

Concrete:

All Concrete To Be 3,000 PSI @ 28 Days. Minimum Concrete Thickness To Be 8" With Minimum Thickness @ Radius, And Below 4'-0" Depth, Shall Be 12". Compact All Areas Below And Around Pool To 95% Of Optimum Density.

Electrical:

All Electrical Works Shall Conform To The Requirement Of Maui County And N.E.C. Art 680 Latest Edition. All Equipment Shall Comply With The N.E.C. And Shall Be U.L. Approved. Bonding And Grounding Shall Be With A.W.S. #8 Copper Conductor. No Electrical Attachment, Receptacle Or Overhead Wiring Shall Be Within 10' Of The Pool Or Spa. All Receptacles Located Between 10' And 15' From The Pool Or Spa Shall Be Protected With A Ground Fault Circuit Interrupter (GFI)

Pool Equipment Room:

Refer To Architectural Plan(s) For Location And Structural Information Swimming Pool Contractor Shall Be Responsible For:

1. Obtaining All Necessary Permits And Approvals To Install And Complete The Pool And Spa As Shown On These Plans
2. Coordinating All Work with Other Trades
3. Any And All Damage Done To Existing Utilities, Therefore Shall Verify All Utility Locations Prior To Any Excavation

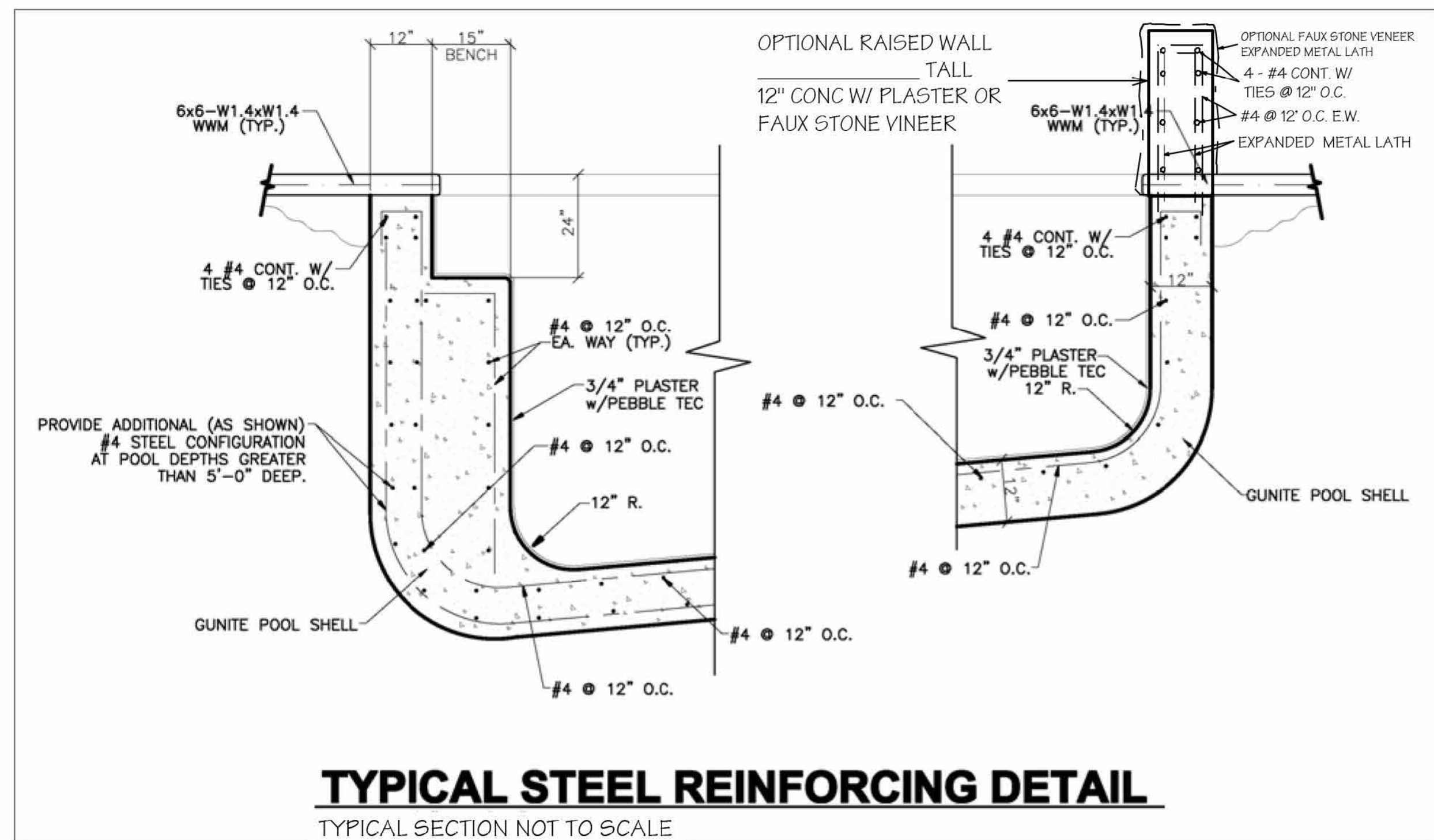




EXHIBIT D

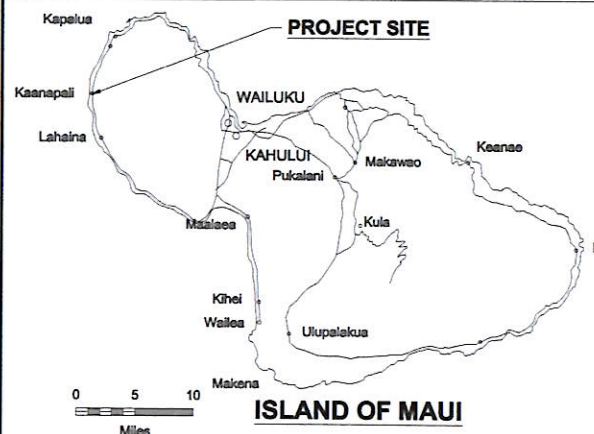
MARONEY RESIDENCE NON CONFORMING RETAINING WALL JRSE MARK
UP.

THE MARONEY RESIDENCE

LOT 7 LANIKEHA - PHASE 2

647 ANAPUNI LOOP LAHAINA, HI 96761

VICINITY MAP



COUNTY OF MAUI
MAUI COUNTY CODE, CHAPTER 16.16B ENERGY CODE
RESIDENTIAL PROVISIONS

COMPLIANCE METHOD
CHECK APPLICABLE METHOD

☒ R401.2(1) R401.3 through R404 (Prescriptive)
☐ R401.2(2) R405, R401 through R404 Labeled Mandatory (Simulated Performance Alternative)
☐ R401.2(3) R406 (Energy Rating Index Compliance Alternative)
☐ R401.2(4) R401.2.1 (Tropical Zone)
☐ R102.1 (Alternative)

TO THE BEST OF MY KNOWLEDGE, THIS PROJECT'S DESIGN SUBSTANTIALLY CONFORMS TO THE ENERGY CODE.

Signature: *George R. Hlavenka*
NAME: George R. Hlavenka
Architect
AR-15207
STATE OF HAWAII LICENSE NO.

DATE: 2/25/2021

DESIGN CRITERIA:

NO SURCHARGE: (RECOMMEND 125 PSF REINFORC.)

PASSIVE = 125 PSF

$\delta_A = 35$ KCF

$\mu = 0.15$

$F_c = 1500$ PSI

$F_y = 60$ KSI

ARCH. VERIFY IF WALLS DESIGNED FOR HYDRAULIC PRESSURE

#5 @ 12" (TWO MATS PER WAY) FOR TW ≥ 10"

ARCH. SHALL REVIEW/VERIFY RET. WALL.

BRIDGE? 7'-0" 5'-0"

WIND/SEIS. MAX?

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

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BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

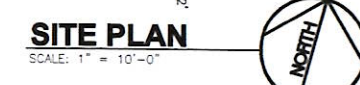
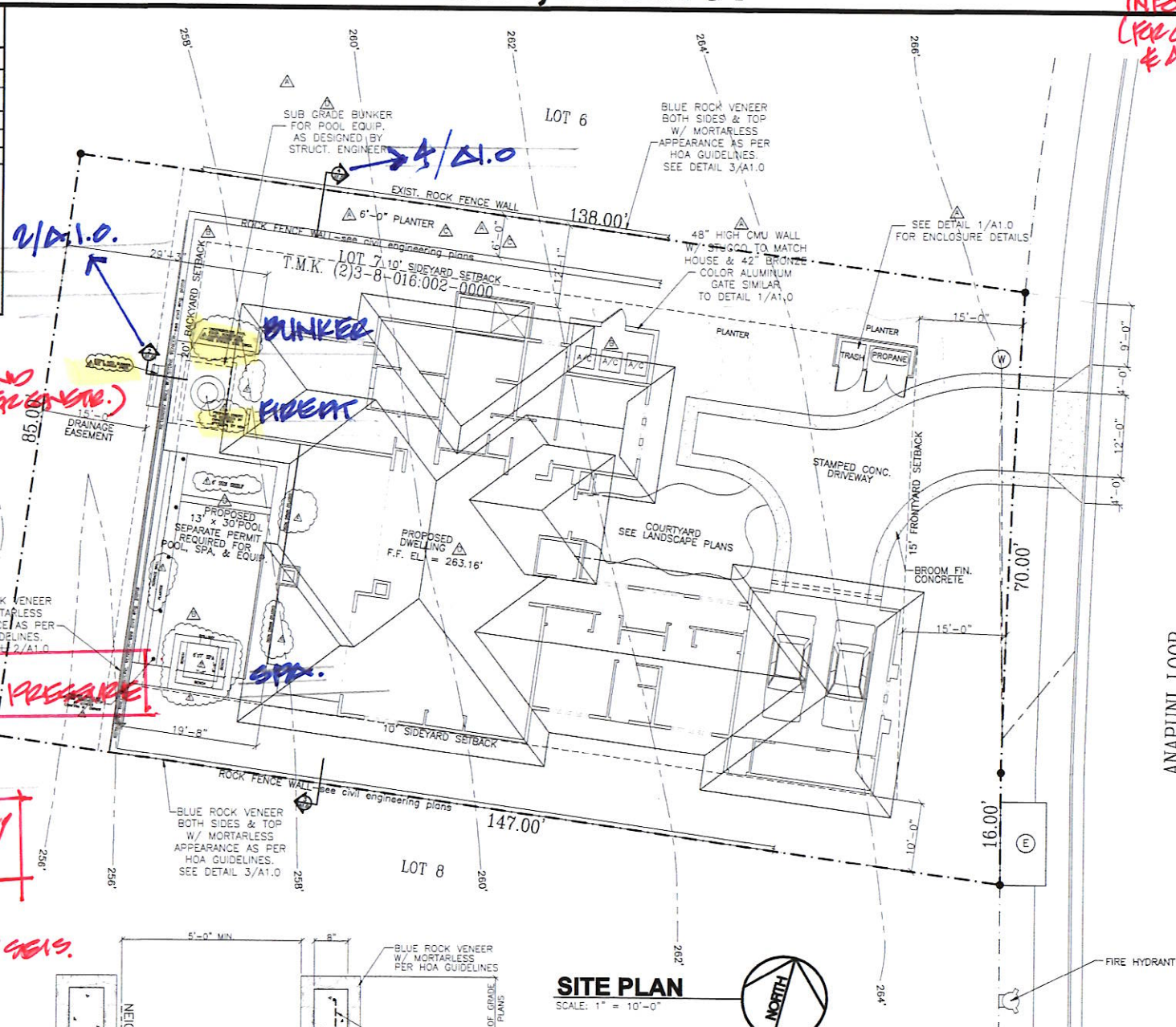
BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"

BRIDGE? 7'-0" 5'-0"



AREA TABULATION	
LIVING AREA =	2626 S.F.
GARAGE PARKING AREA =	462 S.F.
GARAGE STORAGE AREA =	104 S.F.
COVERED LANAI AREA =	429 S.F.
LOT COVERAGE AREA = 3621 S.F.	
TOTAL LOT AREA:	12,081 S.F.
BUILDING LIMIT AREA:	6,948 S.F.
ALLOWABLE LOT COVERAGE:	3,624 S.F.
MAX. PEAK ROOF ELEVATION:	282 FT.
BUILDING CODE ANALYSIS	
OCCUPANCY =	SINGLE FAMILY DWELLING
ALL CONSTRUCTION SHALL COMPLY WITH THE 2006 IBC, 2006 IRC, AND CURRENT MAUI COUNTY AMMENDMENTS, AND 2015 ENERGY CODE COMPLIANCE.	

DRAWING INDEX	
A1.0	SITE PLAN/COVER SHEET
A1.1	GENERAL CONSTRUCTION NOTES
A1.2	"NOT USED"
A2.0	FLOOR PLAN
A3.0	BUILDING ELEVATIONS
A4.0	ROOF FRAMING PLAN & DETAILS
A5.0	FOUNDATION PLAN & DETAILS
A6.0	REFLECTED CEILING PLAN
A7.0	CROSS SECTIONS & DETAILS
A8.0	SCHEDULES & DETAILS
E1.0	ELECTRICAL PLAN

A CUSTOM RESIDENCE FOR:
RICHARD & ANA MARONEY
LOT 7 LANIKEHA - PHASE 2
647 ANAPUNI LOOP
LAHAINA, HI 96761

**SITE PLAN
COVER SHEET**

FILE NAME: MARONEY-A1.0
DATE: 3-9-2021
SHEET NO.
A1.0

REVISIONS

No.	REV. DATE
1	6-10-2021
2	9-13-2021
3	12-28-2021
4	5-11-2022
5	10-11-2022

GEORGE R. HLAVENKA
LICENSED PROFESSIONAL ARCHITECT
Lic. # AR-15207
HAWAII, U.S.A.
EXPIRATION DATE OF LICENSE: 4/30/2024

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION. CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION WHEN REQUIRED BY H.A.R. 16-115-9

Note:
The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect is not responsible for the accuracy of the information provided by the owner or for the results of the construction. The architect's liability is limited to the professional services rendered.



EXHIBIT E

CODE REFERENCES

§464-1 Definitions. As used in this chapter:

"Architect" means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or observation of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when the professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences.

"Landscape architect" means a person who holds oneself out as able to perform, or who does perform, any professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and observation of construction where the dominant purpose of the services is:

- (1) The preservation and enhancement of land uses and natural land features;
- (2) The location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and
- (3) The design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading.

This practice shall include the location, arrangement, and design of tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities; provided that nothing in this chapter shall empower a landscape architect licensed under this chapter from practicing or offering to practice architecture or engineering in any of its various recognized branches.

"Land surveying" means any professional service or work which involves the application of specialized knowledge of the principles of mathematics, the physical and applied sciences, and the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features on the surface and immediate subsurface of the earth, or on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the size, shape, topography, elevation datum

planes, legal or geodetic location or relocation, or orientation of improved or unimproved real property and appurtenances thereto, including acreage. Land surveying includes but is not limited to:

- (1) Evaluating and determining boundary evidence collected through field surveys, boundary studies, or other means;
- (2) Using the principles of land surveying to:
 - (A) Determine the position for any monument or reference point which marks a property line, boundary corner, right-of-way, easement, or alignment of those lines;
 - (B) Set, reset, recover, or replace any such monument or reference point; or
 - (C) Perform topographical surveys;
- (3) Giving an authoritative reference or interpretation as to the location of a property line, boundary, right-of-way, easement, or any related corner position;
- (4) Creating or modifying record plats for cadastral surveys including consolidation, subdivision, resubdivision, rights-of-way, easements, determination of areas, mathematical closures, and elevations of land parcels;
- (5) Creating or modifying land surveying descriptions of property lines and easements, or editing their content for use in legal instruments that convey real property and property rights;
- (6) Rendering a statement or certification regarding the positional accuracy of land surveying maps, record drawings, field surveys, or measured survey data;
- (7) Creating or modifying the content of electronic data, computerized drawings, or any other survey map relative to the practice of land surveying; or
- (8) Setting, resetting, or replacing initial survey control points, including benchmarks to provide horizontal and vertical data on or in the vicinity of a construction or engineering project to enable any components of the project to be built in compliance with plans and specifications with respect to the project location, orientation, elevation, and relationship to property lines, easements, or right-of-way boundaries.

This definition shall not apply to any person working within the scope of practice of another licensed profession; provided that the person does not purport to be a land surveyor.

"Professional engineer" means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or observation of construction or operation, in connection with any public or private

utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of engineering principles and data.

"Professional surveyor", "professional land surveyor", or "land surveyor" means a person who holds oneself out as able to practice, or who does practice, land surveying in this State. [L 1933, c 134, §5; RL 1935, §7034; RL 1945, §7601; am L 1949, c 306, §1; RL 1955, §166-1; HRS §464-1; am L 1970, c 85, §2; gen ch 1985; am L 1988, c 226, §1; am L 1989, c 210, §3; am L 2012, c 79, §1]

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§464-2 Licensing of practicing engineers, etc. In order to safeguard life, health, and property, no person except those exempted by sections 464-3 and 464-5 shall practice professional engineering, architecture, land surveying or landscape architecture in the State unless the person is duly licensed under this chapter. [L 1923, c 227, §1; RL 1925, §3683; am L 1931, c 165, §1; RL 1935, §7030; RL 1945, §7602; RL 1955, §166-2; HRS §464-2; am L 1970, c 85, §1; gen ch 1985; am L 1989, c 210, §4]

Case Notes

Contract made by unregistered architect, although illegal, is not necessarily void. 57 H. 124, 551 P.2d 525 (1976).

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ORDINANCE NO. 5507

BILL NO. 14, CD1, FD1 (2023)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 16.25,
MAUI COUNTY CODE, RELATING TO THE ADMINISTRATIVE AND
SUPPLEMENTAL PROVISIONS OF THE BUILDING CODE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Background. The administrative and supplemental provisions of the Building Code are currently contained in Chapter 16.26B. This Ordinance extracts these provisions from this chapter and creates a new chapter. Placing the administrative and supplemental provisions of the Building Code into a separate chapter will make adoption of subsequent editions of the Building Code more efficient since the administrative and supplemental provisions of the Building Code do not change with each new edition.

SECTION 2. Title 16, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER 16.25

**BUILDING CODE ADMINISTRATIVE AND SUPPLEMENTAL
PROVISIONS**

Sections:

Article 1. Administrative Provisions

- 16.25.101 General**
- 16.25.102 Applicability**
- 16.25.103 Department of public works**
- 16.25.104 Duties and powers of building official**
- 16.25.105 Permits**

107.2.7 Structural information. The construction documents shall provide the information specified in chapter 16.

107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. This jurisdiction conducts non-structural building code reviews. Structural design requirements shall be by prescriptive methods or engineered design by the registered design professional.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "APPROVED". The approved plans and specifications shall not be changed modified to altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans. One set of construction documents so reviewed shall be retained by the building official until construction has been completed and the building official has approved the final inspection. Should there be any errors or omissions, the construction plans and work shall be revised as required by the building official.

107.3.2 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.3 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform all of the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

April 3, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1– Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

My name is Eric Reiny, and I am testifying in **strong support of HB420, HD3, SD1**. I am a homeowner who ended up being a part of a class action lawsuit without even realizing it, and there was nothing wrong with my house.

I started getting notifications in the mail and in emails from our HOA about a lawsuit over some sort of supposed defect in the construction of our home. Like most people, I figured that if I didn't respond, they would leave me alone. But that isn't how it works. In this case, instead of opting in, you have to opt out. That means I became part of this lawsuit whether I wanted to be or not.

Eventually, these contractors showed up at my front door to inspect for so-called defects. They tore into my walls and siding. There was absolutely nothing wrong with my home. No rust, no defects, no problem, except the big hole in my house. They made the change 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 they actually inspected it ahead of time, they would have known that, and I 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, SD1 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

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I'm a member of the Operating Engineers Local 3, and I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Kalikiano Libokmeto

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Jay Jacal

March 31, 2025

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Mahalo,

Kaipo Santo Elena

March 31, 2025

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Mahalo,

Rommer Vilep

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Mahalo,

John Raquind

March 31, 2025

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Mahalo,

Perfecto D. Labrador

March 31, 2025

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Mahalo,

Andrew Sumaylo

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
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415 S. Beretania Street
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Mahalo,

Eleazar Jeffrey Bantillo

March 31, 2025

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and Members of the Senate Committee on Judiciary
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Thomas Cabus-Lopes

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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Joemelyn Adviento

March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Kekona B. Salazar

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Jerico Joshua Labosan

March 31, 2025

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Mahalo,

Andrew K. Amina

March 31, 2025

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Mahalo,

Rayden Pagaridan

March 31, 2025

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Mahalo,

Kekahi Reiny-Aloy

March 31, 2025

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Mahalo,

A handwritten signature in black ink, appearing to read "Brent Allen". The signature is fluid and cursive, with the first name "Brent" being more prominent than the last name "Allen".

March 31, 2025

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Mahalo,

Edward Paguirigan

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Mahalo,

Tevita Valikoula

March 31, 2025

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Mahalo,

Bronson Millon

March 31, 2025

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Mahalo,

Alvin Faumui

March 31, 2025

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Mahalo,

Spencer Chock

March 31, 2025

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Mahalo,

Nixon Atisanoe

March 31, 2025

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Matt Regaspi

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Mahalo,

Thomas King

March 31, 2025

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Mulu Sialeya

March 31, 2025

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Robert S. Ofoia

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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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Mason Reyes

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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Mahalo,

David Lee

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo,

Nathaniel Mendoza

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Mahalo,

Jon Rapisura

Jon Rapisura

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Arthur Chester Somera

March 31, 2025

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and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Honolulu, HI 96813

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Dane Mizusawa

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

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

Richard W. Luga

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Kenneth Ramos

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Zach Atwood

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Dan Corrales, Jr.

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Michael Nojima

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Desmond Banglos

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Mahalo,

Guy Fukushima

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
Hawai'i State Capitol
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Mahalo,

Vivyan Lin
vivyan@kyinternational.com

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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I John Mendonca, am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Capitol
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Mahalo,

Michele Murakami
michele@kyinternational.com

March 31, 2025

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and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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Mahalo,

Pei Pei Chan

peipeic@kyinternational.com

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Diggo Tabada

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

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Jon Tai

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Joshua Talon

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Todd Baldwin

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Mahalo,

Cody Villarin

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Mahalo,

Willington Corpuz

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Mahalo,

James Phillip

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Mahalo,

Judah Perez

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Mahalo,

Yi Le Deng

phillip@kyinternational.com

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Mahalo,

Jonathan Morgan

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Nicholas Landford

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Shawny Wong

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Ronson Rarogal

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Glenn Alcalde

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Aldrin Cabana

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Aaron Sige

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Samuel Kaimuloa

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Hailee Resuello

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I'm a member of the Hawai'i Regional Council of Carpenters, and I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Micah Soque

March 31, 2025

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Mahalo,

Julianne Matsumoto

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Mahalo,

HB-420-SD-1

Submitted on: 3/31/2025 12:06:14 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

I support HB420 because it helps homeowners to fix any defects directly with the contractors and developer. This makes for quicker remediation and doesn't put a title cloud on their property while greedy lawyers drag out their lawsuits.

HB420 should be passed it is a common sense bill.

HB-420-SD-1

Submitted on: 3/31/2025 12:28:19 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Catherine L Parsons	Individual	Support	Written Testimony Only

Comments:

March 31, 2025

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I am testifying in **strong support of HB420 HD3, SD1.**

Housing is one of the biggest issues for residents of our state. We have a huge supply and demand issue. When we do not have enough supply and continued demand, prices soar and our local buyers are priced out. This is tragic! As a former resident of Kauai who specializes in assisting first-time buyers, I have witnessed this first-hand. It was heartbreaking to repeatedly see kama’aina move to the mainland because they were priced out.

I moved to Oahu because there is more opportunity for first-time buyers. New builds are a great choice for people because they often receive attractive financing and closing incentives which help them to have a lower monthly mortgage payment and less out of pocket cost when buying. They also get a brand-new home with a warranty. I purchased a new condo and then home on Oahu and was grateful for the warranty and service I was provided for repairs.

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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai‘i’s housing future.

Mahalo,

Catherine L Parsons

HB-420-SD-1

Submitted on: 3/31/2025 12:37:02 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis Nishiguchi	Individual	Support	Written Testimony Only

Comments:

March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Dennis Nishiguchi

HB-420-SD-1

Submitted on: 3/31/2025 1:05:21 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

March 31, 2025

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Mahalo,

Jessie Mae Teixeira

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Mahalo,

Jestin Barayuga

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Mahalo,

John Luengen

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Mahalo,

A handwritten signature in black ink, appearing to read "AS it" followed by a long, horizontal, wavy line.

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Mahalo,

Jonah Hamada

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Jonathan Ching

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Mahalo,

Val Tiburcio

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Mahalo,

Albijay Brillantes

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Keaka Fernandez

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Nill Edward

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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Mahalo,

Isaiah D.M. Reed

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Mahalo,

Scott C.L. Brede

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Mahalo,



DeAnna Hayashi

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Scott Nihei-Lopes

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Mahalo,

Sheldon Ajala

March 31, 2025

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Mahalo,

Allan Sildora, Jr.

March 31, 2025

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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

My name is Tianna Aliviado, and I am testifying in **strong support of HB420, HD3, SD1** 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, SD1 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

March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Ricky Jermaine Lameg

March 31, 2025

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Mahalo,

Brent Raymond

March 31, 2025

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Mahalo,

Steve Anderson

March 31, 2025

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Ariel Agustin

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Mahalo,

Alani Uyeno

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Melvin Makinney Jr.

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Donald Barenaba

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Melvin Goldstein-Kaehu

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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Mahalo,

John Oury

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Mahalo,

Jaycob Quemado-Smith

March 31, 2025

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Mahalo,

Jerome Kupukaa

March 31, 2025

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Mahalo,

Jerry Mayola

March 31, 2025

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

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I'm a member of the Plumbers & Fitters UA Local 675, and I am testifying in **strong support of HB420 HD3, SD1** 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.

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Mahalo,

Mikal Yonehara

HB-420-SD-1

Submitted on: 3/31/2025 2:20:50 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

March 31, 2025

The Honorable Senator Karl Rhoads, Chair

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Hawai‘i State Senate

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Mahalo,

dbb

March 31, 2025

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

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

I have been a licensed architect in Hawai'i for over 40 years. I still remember with pride my first purchase of a new, two-bedroom condo in Makiki. Yes, for a young person it was an expensive purchase but manageable. Many things have changed since then. The astronomical price for a new home isn't within the budget of most young people today.

What contributes to higher costs?

First, loopholes in the current law have led to a rise in lawsuits that delay repairs, drive up housing costs, and discourage new home construction. The stoppage of work while the case makes its way up the court system adds to the cost in a couple of ways. During the halt on construction no new homes for that project were sold. When they are finally allowed to be built, the homes prices have increased due to the rising cost of material and labor. This has made it harder for families—especially first-time homebuyers—to afford a home in Hawai'i.

Second, 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.

Third, the fees paid to the attorneys. 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

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

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo,

Allan Taketa

March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Kealiiomana Keola

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
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Mahalo,

Noah Kaaiai-Boner

March 31, 2025

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Joseph Lee

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Mahalo,

Russell Cabingas

March 31, 2025

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Mahalo,

Mario Leal Pinto

March 31, 2025

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Mahalo,

Roderick Delos Santos

March 31, 2025

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Mahalo,

Kyle Haina

March 31, 2025

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Mahalo,

Quentin Early

March 31, 2025

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I'm a member of the Hawai'i Regional Council of Carpenters, and I am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Keone Fuertes

March 31, 2025

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Alonzo Everett

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Philip Valiente

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Robert Locquiao

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Edwin M. Fomich

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Randy Miguel

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Mahalo,

Darryl Duvauchelle

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Mahalo,

Gian Carlo Cristobal

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John Peralta

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Mahalo,

Federick Tamayo

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Spencer Orr

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Travis Murakami

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Sheldon S. M. Young

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Zhayden Lampitoc

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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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Kyle Okamura

HB-420-SD-1

Submitted on: 3/31/2025 4:33:58 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
SCOTT TAJIMA	Individual	Support	Written Testimony Only

Comments:

March 31, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street

Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Scott Tajima

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Best regards,

Robert Yoneoka, AIA

HB-420-SD-1

Submitted on: 3/31/2025 5:03:33 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

March 31, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in strong support of HB420 HD3, SD1 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.

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HB420 HD3, SD1 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, SD1 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in strong support of **HB420 HD3, SD1** as an engineer who works closely with developers in Hawaii. This bill is critical to ensuring homeownership remains attainable by streamlining the process for resolving alleged construction defects.

In my work, I see how costs pile up for developers: off-site infrastructure like roads and utilities, financing, environmental studies, entitlement processes, and lawsuits over construction defects. The public often views developers as wealthy corporate entities with ample resources, but if a project won't generate a return, there's little incentive to build—no matter their financial standing. Every project must "pencil out," and prolonged lawsuits inflate housing costs, complicate an already challenging process, and discourage new construction. This makes it harder for families, especially first-time homebuyers, to afford homes in Hawaii. **HB420 HD3, SD1** restores the Contractor Repair Act's original intent, giving builders a fair chance to fix defects before litigation, reducing legal costs, and creating a more efficient process.

The current system's ripple effects hit hard. Families face higher prices and fewer financing options as lenders avoid properties in litigation, while homeowners endure delays instead of timely repairs. Even communities suffer when homeowner associations neglect maintenance to bolster legal claims, leaving shared spaces in disrepair. By reducing the number of frivolous lawsuits, **HB420 HD3, SD1** will help developers manage costs while also striving to keep housing affordable, protecting neighborhoods, and ensuring homeowners get the repairs they deserve. I urge the committee to pass this practical solution to support homebuyers, homeowners, and Hawaii's housing future.

Mahalo,

Matt K. Nakamoto

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

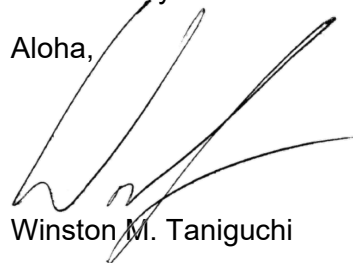
The impact of these lawsuits goes beyond homebuilders. Families trying to buy homes face higher costs and fewer financing options because lenders are hesitant to approve loans for properties tied up in litigation. Homeowners dealing with defects are forced into drawn-out legal disputes instead of getting 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo for your time & consideration.

Aloha,

A handwritten signature in black ink, appearing to read 'Winston M. Taniguchi', is written over the printed name below.

Winston M. Taniguchi

HB-420-SD-1

Submitted on: 4/1/2025 8:25:00 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheryl Nojima	Individual	Support	Written Testimony Only

Comments:

April 1, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in strong support of HB420 HD3, SD1 because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

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I urge the committee to pass HB420 HD3, SD1 to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,
Sheryl Nojima

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

David Yoshida

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Amber DeLeon

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,



Rodney H Nohara

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

chris fogle

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future. **Hawai'i does not need lawsuits that may potentially escalate the housing crisis!**

Mahalo,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a series of loops and a final horizontal stroke.

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am a 33-year-old Hawaii Resident, born and raised in Honolulu, and I am testifying in **strong support of HB420 HD3, SD1** 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. **I am appalled by the ruthlessness of those taking advantage of these loopholes for financial gain, not realizing or caring about the astronomical impact it has on the Hawai'i housing market.**

The impact of these lawsuits goes beyond homebuilders. **Hawaii working 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, SD1 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 strongly urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Jodie Yamashiroya

Date tba, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

My name is Trisha Taketa, and I am submitting testimony in **strong support of HB 420 HD3, SD1.**

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, SD1.**

Thank you,

Trisha Taketa

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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.

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HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Vinyl Tech and Masonry, Inc.

Lynne Sokugawa

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Hawaii Fence Builders

Chris Sokugawa

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Landon Lum

April 1, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard, 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, SD1 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.
- There would be a minimal cost to the association.

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.
- Or, owners were told by the board that there was “good news” that the contractor started the repairs and discovered damages “weren’t as bad as we thought” and that the monies could be used for other things.
- 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, drain clearing and gutter maintenance—were ignored. These minor issues then snowballed into major problems, leading to severe water damage, flooding, siding replacement 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, SD1 is Critical

HB420, HD3, SD1 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, SD1 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

HB-420-SD-1

Submitted on: 4/1/2025 3:28:55 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

I oppose this initiative.

HB-420-SD-1

Submitted on: 4/1/2025 5:29:41 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

*The Honorable Senator Karl Rhoads, Chair**The Honorable Senator Mike Gabbard, Vice Chair**and Members of the Senate Committee on Judiciary**Hawai‘i State Senate**Hawai‘i State Capitol**415 S. Beretania Street Honolulu, HI 96813**RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies**Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,*

As a consumer, and a licensed contractor in the state of Hawai‘i for 20 years, I urge you to pass HB420 HD 1. The current right to repair law is outdated and unclear. I think it is important to have a clear set of rules on how construction defects/issues are addressed both from the contractors side and from the consumers side. Until we make these changes there will be exploitation of the current laws to benefit parties that truly do not care what the issues are, but know they can exploit the system for financial gain.

Please HELP address this issue clarify the steps to solve a construction issue and help make Hawai‘i a better place. Thank you!

Kevin McCallum

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,



David Gima

Gima Pest Control, Inc

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,



John Chen

HB-420-SD-1

Submitted on: 4/2/2025 6:57:43 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

April 2, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

Honorable Chair Rhoads, Honorable Vice Chair Gabbard and Committee Members,

Support for HB420, HD3, SD1 – Relating to Remedies

I am writing to express my support of HB420 HD3, SD1. I am a civil engineer in the construction industry and have been practicing in Hawaii for over 40 years. Too often I see homeowners being taken advantage by opportunistic attorneys and are left on the short end. Attorneys convince homeowners to participate in class-action lawsuits and end up taking much of the settlement claims, leaving homeowners with insufficient funds to perform the repairs that they originally requested.

I believe HB420 HD3, SD1 will be a positive measure to help builders perform the necessary repairs for homeowners before attorneys can get involved. That is why I support this measure and ask that the committee pass this bill.

Homeownership should be a happy and exciting moment in people’s lives. Too often the legal process is protracted, and the needed repairs are left unresolved, leaving the homeowner in a stressful and unpleasant situation. When the process is completed, homeowners are left frustrated by not having enough money to complete the repairs needed. Repair costs sometimes increase due to the lengthy litigation period.

Thank you very much for your time and consideration.

Mahalo,

Greg Hiyakumoto, PE

April 2, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

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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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Reid T. Yamashiroya

HB-420-SD-1

Submitted on: 4/2/2025 8:07:23 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

April 2, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am an architect and developer in Hawaii for over 20 years. I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Daniel Sandomire, AIA

HB-420-SD-1

Submitted on: 4/2/2025 8:23:20 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor Wyman	Individual	Support	Written Testimony Only

Comments:

I am a Contractor and I am in support of HB420.

I beleive a contractor should be given an opprotunity on a timely basis to repair/correct any defincenses that arise during construction.

Once the 'complaint' goes into letigation through a class-action suit there's a strong possiblity that the needed correction will take a long period to be corrected and thereby put the home owner at a lost.

HB-420-SD-1

Submitted on: 4/2/2025 8:33:29 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Yanagawa	Individual	Support	Written Testimony Only

Comments:

April 2, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

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Hawai‘i State Senate

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Vanessa Yanagawa

March 31, 2025

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The Honorable Senator Mike Gabbard, Vice Chair
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Van Law

April 2, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawaii State Senate
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

My name is Steven Gangwes. I have professionally been involved in residential architecture/design and residential planning and development for over thirty-years. For the past 15 to 20 years there has been a huge increase of frivolous and unwarranted lawsuits claiming construction defects. I have personally seen the detrimental effects that these lawsuits have had, resulting in higher cost to housing, directly contributing to fewer local families being able to afford to purchase a home in Hawaii. This is why I am testifying in **strong support of HB420 HD3, SD1** 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.

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Steven Gangwes
1519 Nuuanu Ave. #12, Honolulu, HI 96817

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Kendall Suga

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
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415 S. Beretania Street
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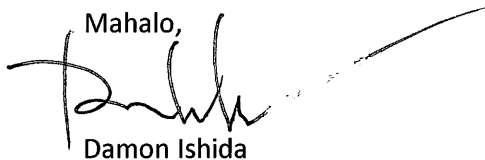
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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

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

Damon Ishida

March 31, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
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Hawai'i State Senate
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Mahalo,

A handwritten signature in black ink, appearing to read "M. Nakagawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

April 2, 2025

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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March 31, 2025

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I urge the committee to pass **HB420 HD3, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Stephanie Suga

HB-420-SD-1

Submitted on: 4/2/2025 9:28:19 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Vernon Stutts	Individual	Support	Written Testimony Only

Comments:

Aloha,

I want to write a testimony in support for bill HB420. Developer should be given a chance to remedy any issue, within reason, directly with the homeowner. The ability for the developer to partner with homeowners cuts down completion time. When these issues get brought to court, it delays the repairs considerably, thus, in many cases, causing the damages to progress and get worse. My experience with DR Horton is that they take these claims serious and genuienly want to remedy, within reason, these damages. Thank you for taking the time to read my testimony.

Mahalo.

HB-420-SD-1

Submitted on: 4/2/2025 9:41:10 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
William McKeon	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair, Vice-Chair and Committee Members,

I oppose Bill 420.

I have lived full-time on Maui for the past 41 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.

At a minimum, there should be a 30-45 day time limit to complete the CRA process so that developers and builders don't delay homeowners from getting their homes repaired. Developer and builders built the home, know it best, and 30-45 days is enough time for them to inspect and make a proper repair if that is truly their desire. If a developer does not satisfy its client/homeowner within 30-45 days, they are stalling. A homeowner that made the biggest purchase of their life is entitled to a home that is safe, meets building code and requires only routine maintenance. If a developer/builder won't make things right in 30-45 days, owners have only one option -- pursue their legal remedies, including a class action if necessary. Developers/builders can avoid litigation by fixing their defective product right away, and not stalling.

Limiting to 2 years the time that a homeowner has to bring a contract claim means that more lawsuits, not less, will get filed. Owners won't be able to wait and see if a problem gets worse, or is isolated, they will have to take action right away.

Forcing owners to provide more information initially means those owners will incur more cost and expense in diagnosing a defect that has already caused them problems. If a roof leaks, the owner should be able to put the developer/builder on notice of the leak, and the developer/builder who is most knowledgeable about the construction should inspect and determine what caused the leak to occur and how to fix it. Why should the homeowner, at their expense, do the developer/builders' job?

Penalizing owners to accept a lowball offer or bandaid repair is one-sided and unfair. At a minimum, if the developer/builder does not do better at arbitration or trial, they should be responsible for all of the owners consultant fees and cost and attorneys' fees and costs. This puts pressure on both sides to reach a fair resolution early.

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”. Developers hold all the cards. They are rich, have teams of lawyers on retainer and claims handlers who have the job of minimizing the developers' costs. Owners have nothing. This bill favors wealthy mainland developers and builders -- billionaires getting richer -- at the expense of local homeowners.

Thank you for your time and consideration.

William M. McKeon

TESTIMONY NOTES:

1. Building codes aim to ensure that buildings are safe, structurally sound, and meet basic standards for sanitation, fire safety, and accessibility. This bill gives developers a pass to violate the building code – and then puts the burden on a poor homeowner to show the defect will reasonably result in physical harm to a person or significant damage to the performance of the building. If a developer/builder does not meet the minimum standard of the building code, why should an owner be obligated to show more? Isn't that why we have building codes in the first place? I have heard it argued by developers that Maui does not get hit by hurricanes, or wildfires, so its no big deal that windows do not meet minimum building code wind strength requirements, or meet fire code. Really?
1. The bill waters down the class action process. A homeowner in Kapolei told me this week that she bought her home in 2021, it leaked and the developer refused to fix the leak, saying that the one year warranty had expired. She had to hire her own roofer to come out, he said that the initial construction was wrong, and that is why it leaked. Now she is out about 7,000 thousand dollars, which she does not have. She said no attorney would take her case. It's too small. This is why we have the class action process. National Developers can deny and avoid making repairs, and want to gut the class action process, knowing that small claims can only be brought by homeowners through a class action process.

HB-420-SD-1

Submitted on: 4/2/2025 9:46:13 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Heile	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of bill HB420.

Mahalo,

Michele Heile

HB-420-SD-1

Submitted on: 4/2/2025 9:57:34 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Jurel Mattison	Individual	Support	Written Testimony Only

Comments:

April 2, 2025

The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

and Members of the Senate Committee on Judiciary

Hawai‘i State Senate

Hawai‘i State Capitol

415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** because it will ensure that homeownership remains attainable and provides a better process for homeowners to resolve alleged construction defects.

So many families rely on housing and this really hurts good local and our military folks how are trying to look for housing.

HB420 HD3, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Jurel Mattison

March 31, 2025

LATE

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: Strong Support for HB420, HD3, SD1 – Relating to Remedies

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I am testifying in **strong support of HB420 HD3, SD1** 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, SD1 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, SD1** to support homebuyers, homeowners, and Hawai'i's housing future.

Mahalo,

Steve Whitehouse

LATE

HB-420-SD-1

Submitted on: 4/2/2025 10:51:48 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Nerney	Individual	Oppose	Written Testimony Only

Comments:

Oppose, as written, because the bill is anti-consumer.

LATE

HB-420-SD-1

Submitted on: 4/2/2025 11:22:36 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

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

Comments:

Aloha Chair, Vice Chair and Committee Members:

I am an attorney in Honolulu, Hawaii. I have not practiced in the realm of construction defects in a number of years. Still, I may be able to offer some perspective on this measure. I oppose HB 420.

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