

SB-1147

Submitted on: 2/8/2023 11:16:38 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Testifying for Honolulu Tower AOA	Oppose	Written Testimony Only

Comments:

Honolulu Tower is a 396 unit property located at the corner of N. Beretania and Maunakea Streets. We have 488 parking spaces. The board of the Association of Apartment Owners of Honolulu Tower unanimously voted to oppose this bill at its meeting on February 6.

Honolulu Tower has contract with a towing company. The contract provides for three options:

1. An owner/renter may call to have a vehicle towed for trespassing. The caller must be present to authorize the tow. This would apply to any vehicle in the parking space, including if someone would be on a do not tow list and had mistakenly parked in the space. This bill does not allow for that eventuality.
2. An owner/renter may call to have vehicle towed from their own stall and must be present to authorize tow.
3. Security guards can call to have vehicle towed for trespassing and must be present to authorize tow.

This bill will create a burden on staff if they have to update the company every time there is a new vehicle on the property as new persons move in and others move out. It will also create record keeping issues at the towing company, which may not be able to keep up with thousands of changes monthly for all their clients.

Thank you for the opportunity to testify.

Idor Harris

Resident Manager, Honolulu Tower

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional administrative burdens and liabilities for condominium associations and planned community associations. It seems that this creates more problems than it potentially solves.

As the Board President of the White Sands Village AOA (Big Island), I find this bill, as written, to be vague. Perhaps predatory towing is an issue in Honolulu, but it is not on the Big Island. Our AOA rarely has an issue with a vehicle that must be towed. We do not maintain lists of owners' or renters' vehicles. We have guest and visitor parking spaces clearly marked and all are off-street. Creating that list and maintaining the accuracy of it would require a significant amount of administrative tracking for our AOA (and we do not have an office administrator) as well as hassle for any contracted towing services.

If the bill is intended to cover common element parking in condominium projects, the bill should be amended to cover only the common elements that are subject to the association's towing contract because most associations do not exercise towing throughout the entire condominium project. Many condominium associations only tow from common element guest stalls or driveways (and not from assigned stalls, which are usually limited common elements) and, in many cases, residents are not authorized to park in guest parking stalls or on the driveways.

While this bill may have good intentions, it has not been drafted with sufficient clarity to serve a useful purpose. If this is primarily a Honolulu or Oahu issue, then it should be dealt with by the City or County, not the State. Do not impose strict regulatory mandates on the rest of the islands if there is no need for them. This administrative burden will add to the cost of operating an association at a time when many associations are struggling to deal with inflation.

If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For these reasons, I urge the committee to permanently defer this bill.

Sincerely,

Eva Calcagno
77-6469 Alii Drive, #222
Kailua-Kona, HI 96740

SB-1147

Submitted on: 2/6/2023 4:45:50 PM

Testimony for TCA on 2/9/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelene Tenno	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

At my condo, they had a "do not tow" list. It was the list of "favorite or special" individuals. They included owner or guest vehicles that did not meet the required house rules. Those rules stated the vehicle had to have current registration and safety check.

If you were a "favorite" of the Resident Manager or the Board, they would be put on the "Do Not tow" list.

Most towing companies will ask that each vehicle have a placard or sticker. The placard is similar to that as the Handicap placard that hangs from the rear view mirror.

Stickers are OK but they fall off over time and creates a nuisance in obtaining a new sticker.

I suggest that the Condominiums require a reflective placard displayed on either the rear view mirror or visible on the dash.

Some condominiums will have them numbered so that they can keep track of who the placard was issued to and it be returned upon the resident (tenants) vacating the unit.

Thank you for this opportunity to testify

SB-1147

Submitted on: 2/8/2023 9:25:15 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

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

Comments:

I live in a large high rise condominium, which has almost 500 parking spaces. This bill is onerous, too onerous. People move into and out of the building almost daily. People purchase new vehicles which have to be registered with the building. This bill would require building management to update their list with the towing company whenever there is a change in vehicles parking in the building. This clerical mess will mean employees will have to delay their normal jobs to do this, jobs which require maintenance of plant, helping residents, security issues, etc., the jobs that keep a building operating in a safe, secure manner.

I urge you to defer this bill.

SB-1147

Submitted on: 2/8/2023 9:28:00 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

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

Comments:

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional burdens and liabilities for condominium associations and planned community associations. This measure will do so by imposing administrative burdens on condominium associations and planned community associations by requiring them to maintain records of residents' vehicles.

Specifically, this measure states that condominium associations and planned community associations "that have a service agreement with a towing company shall maintain a 'do no tow' list of all resident vehicles that are authorized to park on a condominium association's or planned community association's property and shall provide this list to the towing company." The requirement to maintain a list of all resident vehicles, as stated in this measure, is vague and will be overly burdensome on associations. For example, the measure does not specify how often the list will need to be updated. If it must be kept up to date at all times, it will be overly burdensome because not only are units in condominium projects or planned communities regularly sold and rented, but existing owners and occupants frequently buy, sell, borrow and rent vehicles during their ownership. For associations with hundreds or thousands of residents, it would be almost impossible to keep a list of this nature constantly up to date.

The bill focuses on vehicles which are authorized to be parked on a condominium association's or planned community association's property. The reference to a "condominium association's property" is vague and ambiguous. It is not clear what this means. Condominium associations often do not own any property, and if they do, the property is often limited to a unit used to house a resident manager. Parking in condominium projects is typically on the common elements, which are not owned by the associations. Common elements are owned by the unit owners as tenants in common. Accordingly, it is not clear what this bill means when it refers to condominium association's property.

If the bill is intended to cover common element parking in condominium projects, the bill should be amended, at the very least, to cover only the common elements that are subject to the association's towing contract because most associations do not exercise towing throughout the entire condominium project. For example, many condominium associations only tow from common element guest stalls or driveways (and not from assigned stalls, which are usually limited common elements) and, in many cases, residents are not authorized to park in guest

parking stalls or on the driveways. In those instances, if the association is required to list the vehicles of owners who are permitted to park in limited common element stalls (that are not subject to the towing contract), then the bill would have the effect of preventing the association from towing residents from guest stalls and driveways even though they are not permitted to park in those areas.

It is also not clear what is meant by a “planned community association’s property.” While gated planned communities may own private roadways, the streets in open planned communities are generally owned by the City and County of Honolulu. A planned community association might own recreation centers or parks where parking may be permitted, but it is not likely that there is a major towing issue in those areas. Accordingly, it is not clear what this bill is intended to accomplish.

Another problem with the bill is that while it requires associations to keep a “do not tow list”, it imposes no obligation on owners and residents to provide their associations with updated information, nor does it give associations enforcement power to require owners and residents to provide information about their vehicles. It likewise offers no shield from liability to associations who make diligent efforts to gather information from owners, but fail to succeed because owners refuse to provide the requested information.

The measure also states that “no authorized resident vehicle that is on the ‘do not tow’ list shall be towed or caused to be towed unless authorized to do so by . . . the person in charge of the property, as designated by the condominium association or planned community association.” It is not entirely clear who the “person in charge of the property” would be or what it means to be “designated by the condominium association or planned community association.” If passed, subparagraph (b)(1) of this measure should be amended so say: “(1) A person designated by the association’s board of directors;”.

While this bill may have good intentions, it has not been drafted with sufficient clarity to serve a useful purpose. Instead, it will prove to be overly burdensome on associations and will lead to confusion and conflict. Additionally, the administrative burden will add to the cost of operating an association at a time when many associations are struggling to deal with inflation.

If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For all of the reasons stated herein, I urge the committee to permanently defer this bill.

Sincerely,

Anne Anderson

SB-1147

Submitted on: 2/8/2023 9:40:02 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

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

Comments:

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional burdens and liabilities for condominium associations and planned community associations. This measure will do so by imposing administrative burdens on condominium associations and planned community associations by requiring them to maintain records of residents' vehicles.

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The bill focuses on vehicles which are authorized to be parked on a condominium association's or planned community association's property. The reference to a "condominium association's property" is vague and ambiguous. It is not clear what this means. Condominium associations often do not own any property, and if they do, the property is often limited to a unit used to house a resident manager. Parking in condominium projects is typically on the common elements, which are not owned by the associations. Common elements are owned by the unit owners as tenants in common. Accordingly, it is not clear what this bill means when it refers to condominium association's property.

If the bill is intended to cover common element parking in condominium projects, the bill should be amended, at the very least, to cover only the common elements that are subject to the association's towing contract because most associations do not exercise towing throughout the entire condominium project. For example, many condominium associations only tow from common element guest stalls or driveways (and not from assigned stalls, which are usually limited common elements) and, in many cases, residents are not authorized to park in guest

parking stalls or on the driveways. In those instances, if the association is required to list the vehicles of owners who are permitted to park in limited common element stalls (that are not subject to the towing contract), then the bill would have the effect of preventing the association from towing residents from guest stalls and driveways even though they are not permitted to park in those areas.

It is also not clear what is meant by a "planned community association's property." While gated planned communities may own private roadways, the streets in open planned communities are generally owned by the City and County of Honolulu. A planned community association might own recreation centers or parks where parking may be permitted, but it is not likely that there is a major towing issue in those areas. Accordingly, it is not clear what this bill is intended to accomplish.

Another problem with the bill is that while it requires associations to keep a "do not tow list", it imposes no obligation on owners and residents to provide their associations with updated information, nor does it give associations enforcement power to require owners and residents to provide information about their vehicles. It likewise offers no shield from liability to associations who make diligent efforts to gather information from owners, but fail to succeed because owners refuse to provide the requested information.

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While this bill may have good intentions, it has not been drafted with sufficient clarity to serve a useful purpose. Instead, it will prove to be overly burdensome on associations and will lead to confusion and conflict. Additionally, the administrative burden will add to the cost of operating an association at a time when many associations are struggling to deal with inflation.

If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For all of the reasons stated herein, I urge the committee to permanently defer this bill.

Sincerely,

Lance Fujisaki

SB-1147

Submitted on: 2/8/2023 10:29:39 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

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

Comments:

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional burdens and liabilities for condominium associations and planned community associations. This measure will do so by imposing administrative burdens on condominium associations and planned community associations by requiring them to maintain records of residents' vehicles.

Specifically, this measure states that condominium associations and planned community associations "that have a service agreement with a towing company shall maintain a 'do no tow' list of all resident vehicles that are authorized to park on a condominium association's or planned community association's property and shall provide this list to the towing company." The requirement to maintain a list of all resident vehicles, as stated in this measure, is vague and will be overly burdensome on associations. For example, the measure does not specify how often the list will need to be updated. If it must be kept up to date at all times, it will be overly burdensome because not only are units in condominium projects or planned communities regularly sold and rented, but existing owners and occupants frequently buy, sell, borrow and rent vehicles during their ownership. For associations with hundreds or thousands of residents, it would be almost impossible to keep a list of this nature constantly up to date.

The bill focuses on vehicles which are authorized to be parked on a condominium association's or planned community association's property. The reference to a "condominium association's property" is vague and ambiguous. It is not clear what this means. Condominium associations often do not own any property, and if they do, the property is often limited to a unit used to house a resident manager. Parking in condominium projects is typically on the common elements, which are not owned by the associations. Common elements are owned by the unit owners as tenants in common. Accordingly, it is not clear what this bill means when it refers to condominium association's property.

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It is also not clear what is meant by a "planned community association's property." While gated planned communities may own private roadways, the streets in open planned communities are generally owned by the City and County of Honolulu. A planned community association might own recreation centers or parks where parking may be permitted, but it is not likely that there is a major towing issue in those areas. Accordingly, it is not clear what this bill is intended to accomplish.

Another problem with the bill is that while it requires associations to keep a "do not tow list", it imposes no obligation on owners and residents to provide their associations with updated information, nor does it give associations enforcement power to require owners and residents to provide information about their vehicles. It likewise offers no shield from liability to associations who make diligent efforts to gather information from owners, but fail to succeed because owners refuse to provide the requested information.

The measure also states that "no authorized resident vehicle that is on the 'do not tow' list shall be towed or caused to be towed unless authorized to do so by . . . the person in charge of the property, as designated by the condominium association or planned community association." It is not entirely clear who the "person in charge of the property" would be or what it means to be "designated by the condominium association or planned community association." If passed, subparagraph (b)(1) of this measure should be amended so say: "(1) A person designated by the association's board of directors;".

While this bill may have good intentions, it has not been drafted with sufficient clarity to serve a useful purpose. Instead, it will prove to be overly burdensome on associations and will lead to

confusion and conflict. Additionally, the administrative burden will add to the cost of operating an association at a time when many associations are struggling to deal with inflation.

If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For all of the reasons stated herein, I urge the committee to permanently defer this bill.

Sincerely,

Mary Freeman

Ewa Beach

SB-1147

Submitted on: 2/8/2023 10:35:39 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional burdens and liabilities for condominium associations and planned community associations. This measure will do so by imposing administrative burdens on condominium associations and planned community associations by requiring them to maintain records of residents' vehicles.

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The bill focuses on vehicles which are authorized to be parked on a condominium association's or planned community association's property. The reference to a "condominium association's property" is vague and ambiguous. It is not clear what this means. Condominium associations often do not own any property, and if they do, the property is often limited to a unit used to house a resident manager. Parking in condominium projects is typically on the common elements, which are not owned by the associations. Common elements are owned by the unit owners as tenants in common. Accordingly, it is not clear what this bill means when it refers to condominium association's property.

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parking stalls or on the driveways. In those instances, if the association is required to list the vehicles of owners who are permitted to park in limited common element stalls (that are not subject to the towing contract), then the bill would have the effect of preventing the association from towing residents from guest stalls and driveways even though they are not permitted to park in those areas.

It is also not clear what is meant by a “planned community association’s property.” While gated planned communities may own private roadways, the streets in open planned communities are generally owned by the City and County of Honolulu. A planned community association might own recreation centers or parks where parking may be permitted, but it is not likely that there is a major towing issue in those areas. Accordingly, it is not clear what this bill is intended to accomplish.

Another problem with the bill is that while it requires associations to keep a “do not tow list”, it imposes no obligation on owners and residents to provide their associations with updated information, nor does it give associations enforcement power to require owners and residents to provide information about their vehicles. It likewise offers no shield from liability to associations who make diligent efforts to gather information from owners, but fail to succeed because owners refuse to provide the requested information.

The measure also states that “no authorized resident vehicle that is on the ‘do not tow’ list shall be towed or caused to be towed unless authorized to do so by . . . the person in charge of the property, as designated by the condominium association or planned community association.” It is not entirely clear who the “person in charge of the property” would be or what it means to be “designated by the condominium association or planned community association.” If passed, subparagraph (b)(1) of this measure should be amended so say: “(1) A person designated by the association’s board of directors;”.

While this bill may have good intentions, it has not been drafted with sufficient clarity to serve a useful purpose. Instead, it will prove to be overly burdensome on associations and will lead to confusion and conflict. Additionally, the administrative burden will add to the cost of operating an association at a time when many associations are struggling to deal with inflation.

If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For all of the reasons stated herein, I urge the committee to permanently defer this bill.

Sincerely

Paul A. Ireland Koftinow

SB-1147

Submitted on: 2/8/2023 11:39:34 AM

Testimony for TCA on 2/9/2023 3:00:00 PM

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

Comments:

Dear Senator Lee, Chair, Senator Inouye, Vice Chair, and Members of the Committee:

I OPPOSE S.B. 1147. This measure is intended to address predatory towing practices by towing companies; however, the effect of this measure will be to create additional burdens and liabilities for condominium associations and planned community associations. This measure will do so by imposing administrative burdens on condominium associations and planned community associations by requiring them to maintain records of residents' vehicles.

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If predatory towing practices are indeed occurring, the legislature should address the behavior directly against the predatory towing companies rather than adopting a bill that is vague and ambiguous and will expose condominium and planned community associations to potential liabilities.

For all of the reasons stated herein, I urge the committee to permanently defer this bill.

Sincerely,

Carol Walker