

EXECUTIVE CHAMBERS

GOV. MSG. NO. 752

HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2774

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2774, entitled "A Bill for an Act Relating to Subdivisions."

The purpose of this bill is to give authority to the board of directors of a planned community association to permit owners of units to install antennas for amateur radios in their units located in agricultural districts, provided that no antenna shall be installed upon any common area without compliance with all association documents.

This bill is objectionable because it amounts to an inappropriate and unacceptable governmental intrusion into the contractual affairs of the property owners. This measure would allow the installation of antennas in an owner's unit, notwithstanding objections by other owners.

Planned community associations ordinarily have governing documents, such as the declaration, articles of incorporation, and bylaws, which contain covenants, conditions, and restrictions. Purchasers of property in planned community associations should be able to rely upon those governing documents when deciding whether to purchase a unit. They should not have to worry about subsequent legislative bills that trump the governing documents by permitting certain people to erect

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antennas on property within the subdivision.

For the foregoing reasons, I am returning House Bill
No. 2774 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii