

STAND. COM. REP. NO.

861

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 920
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and
Affordable Housing, to which was referred S.B. No. 920 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to limit the use of
condominium association member lists by requiring managing agents
to obtain prior written consent from the board of directors of the
condominium association, except to send meeting notices,
association newsletters, and notices of proposed declaration and
bylaw amendments.

Testimony in support of this measure was submitted by the
Hawaii Independent Condominium and Cooperative Owners, and two
individuals. The Real Estate Commission of the Department of
Commerce and Consumer Affairs and the Hawaii Chapter of the
Community Associations Institute submitted comments.

Your Committee finds that condominium association member
lists are the property of the association and members' information
must be kept private. The intent of this measure is to stop
managing agents from using condominium member lists without the
prior written consent of the board of directors of the condominium
association.

Your Committee has amended this measure to move the language
limiting the use of condominium association member lists by
managing agents from section 514B-154, Hawaii Revised Statutes

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(HRS), to section 514B-153, HRS, as section 514B-153 prescribes the requirements for association member lists, including handling procedures, and is the more appropriate section for this new requirement.

Your Committee has also amended this measure to:

- (1) Require a managing agent to receive prior written consent of the board of directors of the condominium association for any use of a member list, including political or commercial uses;
- (2) Clarify that the member list is the property of the association and that managing agents or resident managers may not use the information on the member list to create a separate list as a way to avoid the requirements of section 514B-153, HRS; and
- (3) Changing the effective date to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 920, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 920, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Affordable
Housing,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Commerce, Consumer Protection and Affordable Housing
CPH

Bill / Resolution No.:* <div style="text-align: center; font-weight: bold; font-size: 1.2em;">SB 920</div>	Committee Referral: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">CPH</div>	Date: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">2/27/07</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IGE, David Y. (VC)				✓
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
SLOM, Sam	✓			
TOTAL	4			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: Will Espero				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> </div>				

*Only one measure per Record of Votes