STAND. COM. REP. NO. **936**-08

Honolulu, Hawaii

Fe 429, 2008

RE: H.B. No. 2492 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2492 entitled:

"A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS,"

begs leave to report as follows:

The purpose of this bill is to ensure sufficient disclosures in real estate transactions by:

- (1) Requiring sellers of residential real property to disclose all restrictions or conditions on use relating to the property and contained in a recorded document, including any unrecorded rules or guidelines issued by entities responsible for enforcing the restrictions or conditions; and
- (2) Specifying the types of planned communities for which seller disclosure statements must include the planned community declaration and association documents.

The Hawaii Association of REALTORS testified in support of this bill.

Your Committee has amended this bill by:

(1) Inserting a provision requiring the minutes of board of directors' meetings for a planned community association

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to include the recorded vote of each board member present on all motions except motions voted upon in executive session;

- (2) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2492, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2492, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair



## State of Hawaii House of Representatives The Twenty-fourth Legislature

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.:	Committee Referral	l <b>:</b>	Date:		
HB2492 (HSCR625-08)	HSH, CPC / 0 4127(0)				
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members	Ay	es Ayes (	WR) Nays	Excused	
1. HERKES, Robert N. (C)	¥ + Y	(			
2. McKELVEY, Angus L.K. (VC)	λ				
3. EVANS, Cindy				X	
4. GREEN, Josh, M.D.	X		3		
5. ITO, Ken	l Ý	۷			
6. LUKE, Sylvia	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	د			
7. MORITA, Hermina M.	•			×	
8. SONSON, Alex M.				<b>×</b>	
9. SOUKI, Joseph M.	<b>}</b>				
10. TSUJI, Clift		,			
11. YAMANE, Ryan I.	l ×	,			
12. YAMASHITA, Kyle T.	\\\\\\Y	C			
13. MARUMOTO, Barbara C.	<b>\</b>	5			
14. THIELEN, Cynthia	}	v			
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	/				
TOTAL (14)	,	0	0	233	
The recommendation is:  Adopted  If joint referral,  committee acronym(s)  Adopted  did not support recommendation.					
Vice Chair's or designee's signature:					
<b>Distribution:</b> Original (White) – Com	Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				