STAND. COM. REP. NO. 696-08

Honolulu, Hawaii
Fe 38, 2008

RE: H.B. No. 2894

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. 2894 entitled:

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

begs leave to report as follows:

The purpose of this bill is to enhance and expand the application of Chapter 421J, Hawaii Revised Statutes (HRS), which sets forth the rights and obligations of planned community associations, by among other things:

- (1) Expanding the application of Chapter 421J, HRS, to include an association whose declaration is not recorded with the Bureau of Conveyances or Land Court;
- (2) Allowing and setting forth procedures for the restatement of planned community association documents by a resolution adopted by the association board; and
- (3) Allowing association documents that may be amended by a vote of association members at a meeting to also be amended by the written consent of the same percentage of association members without a meeting.

The Kaanapali Hillside Homeowners' Association testified in support of this bill. A concerned individual submitted comments.

Your Committee notes that the current language of this bill may need to be adjusted as this measure moves further along. For example, while this bill provides that restated association documents supersede the original association documents, it also provides that in the event of any conflict, the restated association documents are subordinate to the original association documents.

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. 2894 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

ROBERT N. HERKES, Chair

HB2894 HSCR CPC HMS 2008-2704

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: CPC Date: Date:			
HB 2894 ☐ The committee is reconsidering its prev			2000	
The recommendation is to: Pass,		ss, with amendments		
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	 			
2. McKELVEY, Angus L.K. (VC)	*			
3. EVANS, Cindy				×
4. GREEN, Josh, M.D.	*			
5. ITO, Ken	Y			
6. LUKE, Sylvia	٨			
7. MORITA, Hermina M.				×
8. SONSON, Alex M.				>
9. SOUKI, Joseph M.	*			
10. TSUJI, Clift	<u> </u>			
11. YAMANE, Ryan I.	χ.			
12. YAMASHITA, Kyle T.	×			
13. MARUMOTO, Barbara C.	Y Y			
14. THIELEN, Cynthia	٧			
/	*			
/				
TOTAL (14)	l V		O	<i>></i>
The recommendation is: Ado If joint r		did not supp	ort recommendation	1.
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				