

STAND. COM. REP. NO.

982

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 876
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Human Services and Commerce and Consumer Protection, to which was referred H.B. No. 876, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS, "

beg leave to report as follows:

The purpose of this measure is to assist condominium associations by increasing the amount of unpaid common assessments that an association may collect against the subsequent owner of a foreclosed property and allowing an association to offer assistance to a disabled tenant who is having difficulty living independently.

Testimony in support of this measure was submitted by the Hawaii Council of Associations of Apartment Owners, Hawaii Bankers Association, and Hawaii Independent Condominium and Cooperative Owners. Comments on this measure were provided by Hawaii Financial Services Association and the Community Associations Institute, Hawaii Chapter. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that mortgage foreclosures impact condominium associations when the owner of a foreclosed property fails to pay association maintenance fees. The association continues to be responsible for maintaining the common areas and providing the common benefits such as water, electricity, and maintenance staff of the property, regardless of whether the association receives all of the fees due. Your Committees find



that the maximum amount that an association can assess under the current law is insufficient to cover the actual maintenance costs incurred.

Your Committees further find that associations and their members should be supported in their good faith efforts to assist fellow residents who have difficulty living independently. The current law protects associations from liability for good faith efforts to assist elderly residents who may be in need of assessment or social services in order to maintain independent living and avoid harm to self or others. This measure allows associations to also offer assistance to disabled residents.

Your Committees have amended this measure by:

- (1) Replacing the blank dollar amount in Part I with \$3,600;
- (2) Incorporating amendments from the companion to this measure, S.B. No. 572 S.D. 2, which was heard and approved by your Committees;
- (3) Including non-profit and for-profit mental health service entities as possible providers of functional assessments; and
- (4) Making technical, nonsubstantive changes for the purposes of style.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 876, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 876, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Commerce and Consumer
Protection,

Rosalyn H. Baker
ROSALYN H. BAKER, Chair

Suzanne Chun Oakland
SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 876, HD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HMS/CPN, JGO</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3-17-09</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
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
HEMMINGS, Fred				✓
TOTAL	3	0	0	1
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: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">[Signature]</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB 8710 HD1	Committee Referral: HMS/CPN, JGD	Date: 3/19/2009		
<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
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
TOTAL	5			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: <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 10px;"> <i>David Y. Ige</i> </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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