

**From:** Kevin Bogan [kevin.bogan@gmail.com]  
**Sent:** Monday, February 09, 2009 5:18 AM  
**To:** CPCtestimony  
**Subject:** CPC 2/9/09 testimony for HB 58 Relating to Condominium Property Regimes

Testimony of Kevin C. Bogan regarding HB 58, Relating to Condominium Property Regimes  
[amateur radio operations]

Chairman Herkes and Members of the Committee:

I support the apparent intent of HB 58 to increase options for licensed amateur radio operations (Ham) in restricted housing. I ask that nothing in the bill would authorize any new limitations for ham radio operations.

In the aftermath of Hurricane Iniki, only amateur radio allowed the Mayor of Kaua'i to talk to the Governor of Hawai'i. During the Kiholo Bay earthquake, October 15, 2006, amateur radio operators were able to provide "boots on the ground" live reports of damage and the extent of any tsunami or lack thereof. Recent power outages on O'ahu spurred amateur radio operators to report to DEM and SCD which areas were affected and allowed these operators to keep their own communities informed of the power outage and its incremental restoration. There are many other similar occasions where amateur radio operations provided vital assistance in emergencies and disasters.

In order to provide this service, amateur radio operators need to be able to report from where they are which is usually at home. Areas that lack operating amateur radio operators such as in CC&R restricted areas which restrict antennas are particularly susceptible to being cut off from other areas and from agencies who may assist them. In order to assist, amateur radio operators need to have functioning stations which include antennas capable of appropriate communications and to be able to practice such communications prior to assisting in emergencies. Amateur radio operators use their own equipment at home and in the field at no expense to those whom they help. Amateur radio operators staff EOC auxiliary communications stations around the state and frequently bring in their own equipment when the EOC does not have it or requires supplementation. Many CERT teams include amateur radio operators who provide assistance and are, therefore, limited in their capabilities due to CC&R restrictions.

I therefore support that condominium associations be permitted to allow owners to install and use antennas for amateur radio operating; and that they must provide a written reason for a denial; provided that the statute cannot be construed as to allow associations to further restrict amateur radio operations.

I am testifying as a private citizen and as the ARRL Pacific Section Emergency Coordinator and ARRL Assistant Section Manager (O'ahu). The American Radio Relay League (ARRL) is described as the national organization for amateur radio.

Although I do not live in restricted property, my participation in and with various organizations such as DEM's O'ahu Radio Amateur Civil Emergency Service (RACES), State RACES, the Pacific Section Amateur Radio Emergency Service (ARES), the American Red Cross, NWS's Skywarn service and the Emergency Amateur Radio Club (EARC) is impacted by not having amateur radio operators able to participate from wherever they live.

Thank you for this opportunity to testify on this proposed legislation. I would be glad to assist in substituting appropriate language for the bill

Kevin C. Bogan, [kevin.bogan@gmail.com](mailto:kevin.bogan@gmail.com)  
6606 Kahena Place, Honolulu, HI 96825-1016  
(AH6QO - FCC licensed amateur radio operator, call sign)

## wakai1-Karen

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**From:** Ann Elizabeth Miller [millerann@hawaii.rr.com]  
**Sent:** Monday, February 09, 2009 12:01 AM  
**To:** CPCtestimony  
**Subject:** CPC 2/9/09 testimony on HB 58 Relating to Condominium Property Regimes

Testimony of Ann E. Miller regarding HB 58, Relating to Condominium Property Regimes [amateur radio operations]

Chairman Herkes and Members of the Committee:

I am pleased to support the apparent intent of HB 58 to increase options for licensed amateur ("ham") radio operations in restricted housing. I hope the wording of the final bill will be clear that nothing in the bill should be construed to authorize any new limitations for ham radio operations.

In emergency/disaster conditions, ham radio operators supplement overwhelmed or disabled communications. In order to promote readiness and nurture this volunteer resource, it is appropriate for society to mitigate the restrictions that have become common in recent years which prohibit antennas in condominium and apartment housing. With the spread of restrictions, more and more hams reside in restricted housing.

While pursuing their pastime, amateur radio operators keep their equipment in working order and stay updated with constantly changing radio wave propagation conditions. They make many contributions to society, often developing new technological approaches to communications, and providing socialization opportunities via radio for the home-bound. They provide all their public service without remuneration, and with their own equipment, which is maintained at their own expense. They contribute many hours of volunteer time with government and non-profit agencies toward emergency/disaster preparedness and response. It is important, and an asset to society, that they be able to have equipment set-up for operation from their residences. This provides more geographic coverage for communications and on-location observations and reports than official services can provide. Since hams typically maintain alternative power sources, ham radio operators are not silenced when the power goes out and/or cell phone towers do not function.

I therefore support that condominium associations be enabled to allow owners to install antennas, which are necessary for amateur radio operating; and that they must provide a written reason for a denial; provided that the statutory language cannot be interpreted to empower associations to further restrict amateur radio operations.

I am testifying as a private citizen and not on behalf of any organization. While I do not live in restricted property, I am a member and volunteer with various organizations such as the American Red Cross, the Emergency Amateur Radio Club (EARC), and the Radio Amateur Civil Emergency Service (RACES). I realize how important it is to have emergency communications in restricted as well as non-restricted locations.

Thank you for the opportunity to testify on this proposed legislation. Those of us active in local ham radio organizations stand ready to serve as informational resources for wording the legislation.

Ann E. Miller, [millerann@hawaii.rr.com](mailto:millerann@hawaii.rr.com)  
339 Mana'e Street, Kailua, HI 96734  
(FCC licensed amateur radio operator, call sign KH6W)

**Testimony provided by Bev Yuen**

**House Committee on Consumer Protection & Commerce**

**February 9, 2009**

**HB 58**

**5 Copies**

Chairman Herkes and members of the Committee:

I **SUPPORT** what I deem to be the aim of this bill – that is to give more freedom for antenna installation by amateur radio operators who live in condos. However, I think that **AMENDMENTS** are necessary.

As it is written, This bill appears to diminish the freedom to have amateur radio antennas. The wording in Section 1 (c)(1) & (3) that says “IN their apartments” or “IN the owner’s apartment or limited common element” is too restrictive and should be eliminated or clarified.

Within one’s personal space, inside one’s own apartment should not be included here. That would mean that any amateur radio antenna, however small, within an apartment would be subject to Board of Director’s approval, while similar antennas for TVs, WiFi or cordless telephones and other similar devices that use antennas would not.

With appropriate wording changes, I believe that the amateur radio operators could be given more freedom in their antenna installation, as intended, rather than have reduced freedom, as appears here.

Thank you for the chance to submit my comments to this bill.

Bev Yuen,  
Amateur Radio Operator (licensed as AH6NF)

**Sharon Sagayadoro**

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**From:** chinjung@aol.com  
**Sent:** Sunday, February 08, 2009 1:50 PM  
**To:** CPCtestimony  
**Subject:** Testimony to CPC on HB58

Testimony of Clement H. M. Jung

House Committee on Consumer Protection & Commerce

Monday, February 9, 2009, 2:15 p.m. Committee Hearing

HB 58

Chairman Robert N. Herkes and members of the Committee. My name is Clement H. M. Jung and I support House Bill 58 with amendments to permit the Board of Directors of a condominium the flexibility to approve amateur radio antennas.

As an owner of several condominium apartments and as a licensed FCC amateur radio operator, the proposed reference for Board of Directors approval for installation of antennas within apartments should be eliminated.

I object to giving my Board of Directors the authorization by law, for approving the installation of any antennas within my own apartment spaces. There is no reason why amateur radio antennas are different than TV, computer Wi-Fi, National Weather Service Radios, cordless telephones or other antennas that can be within my apartments.

Amateur radio operators provide valuable communication services during an emergency, especially, when other means of communication failed.

I appreciate the opportunity to provide this testimony and your consideration of my input.

Respectively,  
Clement H. M. Jung  
FCC Amateur Radio License KH7HO

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Testimony of Bart Aronoff requesting modifications to HB58

Chairman Herkes and members of the Committee, my name is Bart Aronoff and I am interested in this bill because I am a condominium owner, a member of the board of our association, and a licensed amateur radio operator who actively volunteers for public service communications support with the City Department of Emergency Management (RACES), the Red Cross, and the Healthcare Association. However, I am testifying as an individual, not representing any organization.

Despite prolonged effort I have been unable to understand the language in proposed subsection (c) (1), page 3 lines 11-15 (as well as p.9 line 21-- p.10 line 4), specifically,

*...the authority to permit owners to install antennas for amateur radios in their apartments or their limited common element without the consent of the owner or owners of the apartment or apartments for the use of which the limited common element is reserved;*

As written it seem to indicate that a board has authority to permit (or deny permission) to an owner to install antennas in the owner's apartment, without the consent of the owner (or is it other owners?). Is this intended to apply to limited common elements reserved for the use of more than one unit?

I respectfully request that the language of the bill be modified to clarify the confusing language and to clarify that a board or association does not have authority to permit or deny the installation of an amateur radio antenna within an owner's apartment in conformity with federal law and regulations.

To truly serve the public interest, however, in supporting preparedness for emergencies and disasters, when amateur radio may be a critical or sole means of communication to serve public safety and welfare, **the bill should be amended to provide that every association must reasonably accommodate installation of amateur radio antennas in conformity with federal law and reasonable aesthetic considerations.**

Thank you for the opportunity to testify.

Bart Aronoff  
1015 Wilder Avenue  
Makiki



Mililani Town Association

95-303 Kaloapau Street  
Mililani Town, HI 96789  
Phone (808) 623-7300

February 7, 2009

Representative Robert Herkes, Chair  
Representative Glenn Wakai, Vice-Chair  
Committee on Consumer Protection  
& Commerce  
State Capitol  
Honolulu, HI 96813

VIA E-Mail: CPCTestimony@Capitol.hawaii.gov

Re: H.B. No. 58 – Relating to Condominium Property Regimes  
Hearing: Monday, February 9, 2009, 2:15 pm, Conf Room 325

Dear Chair Herkes, Vice-Chair Wakai and Committee Members:

My name is Eric Matsumoto, Vice-President of the Mililani Town Association (MTA). I have served in MTA leadership capacities on the board for 24 of the last 30 years. MTA encompasses 16,000 plus units involving both single family units and numerous townhouse project sub-associations.

We strongly oppose this measure. This bill sends the wrong message to residents who have purchased in or are contemplating purchasing in planned communities and AOA projects for the following reasons:

- The restrictive covenants of associations are contained as part of the purchase documents entered into the contract at the time of purchase, at which time the purchaser has a choice to reside in the community/project where such restrictions on amateur radio antennas are in effect.
- Amateur radio antennas vary widely in size and shape, but as important is the configurations that depend upon the parameters, including the types of communications the operator desires to engage in, the intended distance of the communications, and the frequency band. Amateur radio antennas, depending upon the objectives of the operator, can vary from a whip attached to a vehicle, mounted on a structure a hundred feet tall or even much more in length. They can be constructed of various materials occupying the equivalent of a whole backyard, and may consist of an array of antennas.
- There are other consequences that include safety hazards, interference to other electronic equipment in the home such as televisions, radios, and stereos, in addition to the detracting effects from the aesthetic appearance of the community or project.
- Governmental agencies requiring communications during emergencies do have the necessary back-ups.

In conclusion, the interests in preserving the integrity of contractual relations are very important and the FCC is “reluctant to pre-empt private parties’ freedom contract unless it is shown that private agreements will seriously disrupt the federal regulatory scheme or unless there is another strong countervailing reason to do so....” The American Radio Relay League (ARRL) has been unable to show that restrictive documents prevent amateur radio operators from pursuing the basis and purpose of the amateur service.

Based on the above, we strongly request this bill be held.

Sincerely yours,

Eric M. Matsumoto  
Vice-President, Board of Directors

Cc: Sen Kidani, Sen Bunda  
Rep Lee, Rep Yamane

**Sharon Sagayadoro**

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**From:** Ron Hashiro [rhashiro@hawaiiantel.net]  
**Sent:** Sunday, February 08, 2009 9:18 AM  
**To:** CPCtestimony  
**Subject:** CPC 2/9/09 HB 58, testimony resubmitted

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Testimony of Ron Hashiro  
House Committee on Consumer Protection & Commerce February 9, 2009 HB 58  
5 Copies

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Chairman Robert N. Herkes and members of the Committee, my name is Ron Hashiro and I SUPPORT House Bill 58 WITH AMENDMENTS to permit the Board of Directors of a condominium the flexibility to approve amateur radio antennas.

However, in the proposed 514A-13.4, section (c), references for BOD approvals for installation of antennas WITHIN apartments should be ELIMINATED.

I object to giving my Board of Directors the authorization by law, of approving the installation of ANY antennas within my own interior space.

There is no reason why amateur radio antennas are materially different than the TV, computer Wi-Fi, cordless telephone, cellular telephone, unlicensed consumer equipment or other antennas that can be within my apartment.

I appreciate the opportunity to submit testimony to this bill.

Aloha,

Ron Hashiro  
Amateur Radio Operator AH6RH  
Makiki

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

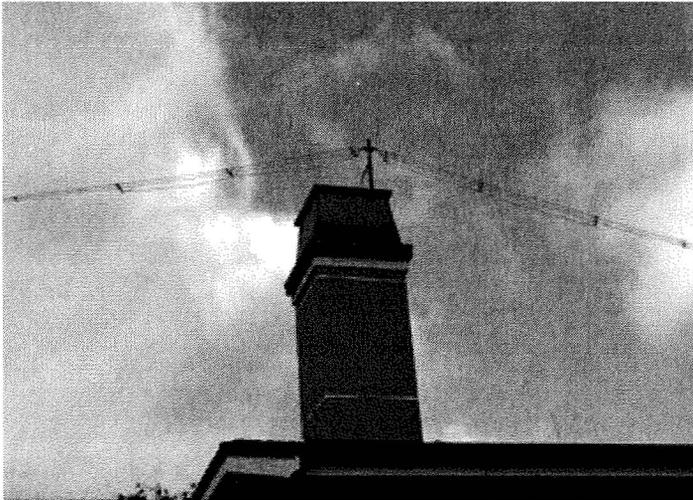
HB 58 - Installation of Amateur Radio Transmitters

Honorable Chair Representative Robert N. Herkes and members of the Committee.

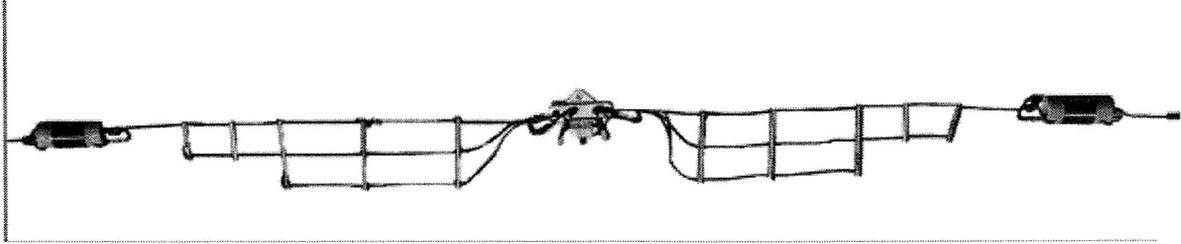
I am submitting testimony in opposition to HB 58. The purchaser of a unit in a common interest community is obligated by the business judgment rule to read the declaration of a condominium regime or the covenants, conditions and restrictions of a homeowners' association, and to agree to abide by them or to attempt to modify them as stated in those documents. These documents identify the permitted uses of common and limited common elements. An end run through the legislature to circumvent these contractual agreements is unethical.

Amateur (HAM) radio transmitters are not covered by the FCC OTAR. HAM radio transmitters do cause interference with telephone, stereos and other wireless devices. If this legislation is to pass, it at least needs to make the operator/owner responsible to resolve all interference problems at his/her cost.

There is no definition of amateur radio or amateur radio antenna. Can a Board reject a request to install an eighty foot long antenna solely on size?



These photos show a scale model of the Model DX-EE multi-band, 40 through 10 meter parallel dipole antenna. The actual production antenna is only 40 ft. long overall. Even though it's a scale model with regard to the wire lengths (1/4 scale), the components are full size (coils, spacers, insulators, DELTA-C center insulator) so you can get an idea of how the finished antenna actually looks. The photos also represent the longer 80-10 meter, 82 ft., Model DX-CC dipole since it also a parallel multi-band dipole. For the actual assembly and installation instructions, check our WEB site under "Limited Space High Performance Antennas" and go to the link "Directions for Models DX-CC, DD, EE, LB and Plus". It's all there.



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Please defeat this legislation.

Thank you for your consideration.

HAWAII COUNCIL OF ASSOCIATIONS  
OF APARTMENT OWNERS

P.O. Box 726  
Aiea, Hawaii 96701  
Telephone (808) 566-2122

February 8, 2009

Rep. Robert Herkes, Chair  
Rep. Glenn Wakai, Vice-Chair  
House Committee on Consumer Protection & Commerce

RE: TESTIMONY IN OPPOSITION TO HB 58 RE CONDOMINIUMS  
Hearing: Monday, February 9, 2009, 2:15 p.m., Conf. Rm. #325

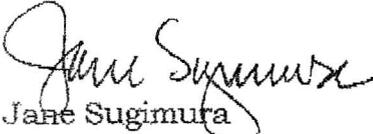
Chair Herkes, Vice-Chair Wakai and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO).

HCAAO opposes this bill and asks that you defer it.

We support the testimony of Community Association Institute (CAI) in opposition to this bill.

Thank you for the opportunity to testify.

  
Jane Sugimura  
President