

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 572
S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 572, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow condominium associations to increase the amount of unpaid common assessments that an association may collect against the subsequent owner of a foreclosed property; and
- (2) Allow an association to offer assistance to a disabled, elderly, or disabled non-owner resident who is having difficulty living independently.

Your Committee finds that mortgage foreclosures impact condominium and apartment owners associations when the owner of a foreclosed property fails to pay association maintenance fees. The association continues to be responsible for the upkeep and maintenance of the common areas and provision of common benefits such as water, electricity, and maintenance staff of the property regardless of whether it receives all of the fees that are due to it. Your Committee believes that the maximum amount that an association can assess under the current law is insufficient to cover the actual maintenance costs incurred.



Your Committee further finds that an association and its members should be supported in their good faith efforts to assist fellow residents who have difficulty living independently. The current law protects an association 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 expands an association's ability to offer the same assistance to disabled owner residents and disabled non-owner residents.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to continue the discussions in this matter; and
- (2) Making technical, nonsubstantive changes for the purpose of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 572, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 572, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:
SB 572 SD1	HMS/CPN, JGO	3/2/09
<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)
TANIGUCHI, Brian T. (C)	✓	
TAKAMINE, Dwight Y. (VC)	✓	
BUNDA, Robert		
GABBARD, Mike	✓	
NISHIHARA, Clarence K.	✓	
SLOM, Sam	✓	
TOTAL	5	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>		

*Only one measure per Record of Votes