

LATE TESTIMONY

TESTIMONY IN SUPPORT OF HB 2819

From

REPRESENTATIVE JOE BERTRAM III

February 3, 2010

Aloha Representative Rida Cabanilla, Chair, of the Committee on Housing and committee members.

I write in strong support of HB 2819 Relating to Real Property Disclosures.

Thank you for your consideration and support.

LATE TESTIMONY

Representative Rida Cabanilla , Chair
Representative Pono Chong, Vice Chair
Committee on Housing

House of Representatives of the State of Hawai'i

Lance D. Collins, Esq.

Wednesday, February 3, 2010
Support of HB No. 2819, Relating to Real Property Disclosures

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on behalf of Carl Offebach, a resident of Lahaina, Maui. I submit testimony **in strong support** of this bill.

Mr. Offebach is a long-time resident of Lahaina, Maui and has had first hand witness as a homeowner new neighbors "buying" into a neighborhood house with violations of zoning and the community plan. The new neighbors generally are not aware of these violations and nonconformities to zoning and nonconformities.

His friends and family have also suffered from the same of circumstances where the perpetrator of the zoning violation is able to receive added value for the violations or nonconformities and leaves the new owner and the neighborhood to deal with the problem after the seller has made his money and left.

Because of the nature of zoning laws, general plans and variances, it is sometimes difficult for a buyer to do full due diligence while it provides little or no burden on the seller who should disclose all violations, inconsistencies and nonconformities they have knowledge of.

Thank you for this opportunity to provide testimony on this measure.
Mahalo.