STAND. COM. REP. NO.

1456

Honolulu, Hawaii

APR 0 6 2017

RE:

H.B. No. 177

H.D. 2

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 177, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit associations of apartment owners, boards of directors, managing agents, resident managers, condominium owners, and persons acting on behalf of associations or condominium owners from retaliating or discriminating against a condominium owner, board member, managing agent, resident manager, or association employee who files a complaint; acts in furtherance of a complaint, report, or investigation of an alleged violation of the State's condominium laws or a condominium's governing documents; or exercises or attempts to exercise any right as a condominium owner.

Your Committee received testimony in support of this measure from the Hawaii Council of Associations of Apartment Owners, Associa, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that although many condominium owners are comfortable raising condominium-related complaints or concerns to their association, its board, a managing agent, or a resident

manager, this experience is not universal. Furthermore, condominium owners, minority members of a condominium board, or association employees who are not comfortable bringing up complaints or concerns may fail to do so because of a fear of retaliation. Accordingly, this measure strengthens protections by prohibiting condominium associations, boards, managing agents, resident managers, other owners, and persons acting on behalf of an association or condominium owner from retaliating or discriminating against a condominium owner, board member, managing agent, resident manager, or association employee who files a complaint, acts in furtherance of a complaint, report, or investigation of an alleged violation, or exercises or attempts to exercise any right as a condominium owner.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2070, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 177, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 177, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

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

ROSALYN H. BAKER, Chair

The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Commerce, Consumer Protection, and Health CPH

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
HB177 HD2	CPH		100 (0000)	4/4/17	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)					
NISHIHARA, Clarence K. (VC)					
CHANG, Stanley					
ESPERO, Will					
IHARA, Jr., Les		/			· · · · · · · · · · · · · · · · · · ·
KIDANI, Michelle N.			100		
RUDERMAN, Russell E.				·	
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TOTAL		7			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Clarence & Dishiher					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					