



GOV. MSG. NO. 1128

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

April 21, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB921, without my approval and with the statement of objections relating to the measure.

SB921

RELATING TO LIMITATIONS OF ACTIONS.

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

April 21, 2023

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 921

Honorable Members  
Thirty-Second Legislature  
State of Hawai'i

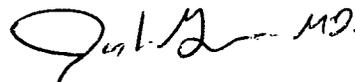
Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 921, entitled "A Bill for an Act Relating to Limitations of Actions."

The purpose of this bill is to extend the deadline to clarify and expressly state that the tolling provision in section 514B-141, Hawaii Revised Statutes, applies to protect the rights of condominium associations to assert legal claims for construction defects against developers until two years after the developer's control of the condominium development is terminated.

This bill is objectionable because it appears to have the unintended consequence of increasing the costs of housing. The bill creates the potential for increased liability which results in the need for additional insurance coverage, which costs are ultimately borne and paid for by the buyers. Our administration is focused on alleviating our critical housing shortage in Hawai'i and we are reluctant to enact any new law that could add costs to housing or delays in construction. While this bill has merit and I commend its sponsors for their work, I am concerned that it will only add costs on future projects, and therefore, have decided to veto this bill.

For the foregoing reasons, I am returning Senate Bill No. 921 without my approval.

Respectfully,



JOSH GREEN, M.D.  
Governor of Hawai'i

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO. 921

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO LIMITATIONS OF ACTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that any statute of  
2 limitations affecting a condominium association's right of  
3 action against a developer is tolled until the period of  
4 developer control terminates. Current statutory language does  
5 not expressly state that tolling applies to the statute of  
6 repose that also limits actions based on construction to improve  
7 real property. The period of developer control can, in some  
8 situations, extend past the deadline set by the statute of  
9 repose.

10           The legislature further finds that a condominium  
11 association should have a reasonable opportunity to assert legal  
12 claims once the period of developer control terminates,  
13 notwithstanding the statute of repose. Accordingly, the purpose  
14 of this Act is to clarify that the tolling provision in section  
15 514B-141 applies to the statute of repose.

16           SECTION 2. Section 514B-141, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:





**THE SENATE OF THE STATE OF HAWAI'I**

Date: March 7, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF HAWAI'I**

APR 03 2023

Date:  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



Speaker, House of Representatives



Clerk, House of Representatives