




 808-733-7060
 808-737-4977

 1259 A'ala Street, Suite 300
Honolulu, HI 96817

March 25, 2025

The Honorable Karl Rhoads Chair

Senate Committee on Judiciary
State Capitol, Conference Room 229 & Videoconference

RE: House Bill 70, HD1, SD1, Relating to Condominium

HEARING: Tuesday, March 25, 2025, at 10:01 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 70, HD1, SD1, which requires budget summaries to contain all required information without referring the reader to other portions of the budget. Clarifies the ability to enforce compliance with budget summary and replacement reserves requirements and provides that an association has the burden of proving compliance. Effective 7/1/3000.

In 2023, the Legislature passed, and Act 199 was signed into law, requiring a budget summary with additional details to be prepared on the financial condition of an association. As such, requiring these budget summaries to contain all required information enhances transparency and provides both owners and prospective purchasers with valuable insights into the association's financial health.

Mahalo for the opportunity to provide testimony on this measure.



HB-70-SD-1

Submitted on: 3/21/2025 11:09:17 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Nerney	Testifying for CAI	Support	Written Testimony Only

Comments:

CAI supports this bill.

The required budget summary enables owners and purchasers to have a ready understanding of the financial condition of an association. All required information should be contained in the budget summary itself.

The burden of proving substantial compliance is appropriate.

HB-70-SD-1

Submitted on: 3/21/2025 12:30:48 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Palehua Townhouse Association	Oppose	Written Testimony Only

Comments:

Request that this bill be deferred. Mahalo.

HB-70-SD-1

Submitted on: 3/22/2025 11:45:15 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Testifying for Honolulu Tower AOA	Oppose	Written Testimony Only

Comments:

Honolulu Tower is a 396 unit high rise located at Beretania and Maunakea Streets. On Feb. 3, 2025 the Board of Directors of the Association of Apartment Owners of Honolulu Tower unanimously voted to oppose HB70 and asks that you defer this measure.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Idor Harris

Resident Manager

HB-70-SD-1

Submitted on: 3/23/2025 3:33:15 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark McKellar	Testifying for Law Offices of Mark K. McKellar, LLLC	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Mark McKellar

HB-70-SD-1

Submitted on: 3/23/2025 5:11:24 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Testifying for Hawaii First Realty	Support	Written Testimony Only

Comments:

In 2023 Act 199 was enacted into law requiring mandatory budget and reserve study disclosures as there have been many complaints from owners and new buyers as to sudden assessments. This Bill provides enforcement for the failure to comply with the existing law and will ensure full disclosure of budget and reserve study information. Support.

HB-70-SD-1

Submitted on: 3/21/2025 2:10:30 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

HB-70-SD-1

Submitted on: 3/22/2025 2:07:00 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Anderson	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Anne Anderson

HB-70-SD-1

Submitted on: 3/22/2025 2:11:20 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Walker	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Carol Walker

HB-70-SD-1

Submitted on: 3/22/2025 2:31:24 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
mary freeman	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.”

The last sentence which shifts the burden of proof to the association should be DELETED.

THE PARTY who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Mary Freeman

Ewa Beach

HB-70-SD-1

Submitted on: 3/22/2025 3:23:13 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Targgart	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,
Michael Targgart

HB-70-SD-1

Submitted on: 3/22/2025 3:53:24 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
christine morrison	Individual	Support	Written Testimony Only

Comments:

RE: SUPPORT HB 70

1. My Association Reserve studies had not been conducted for 8 years
2. In 2025: my reserve fees doubled =20.15% with a deficit of \$14,783 per unit, “make up” in 3 years by increasing HOA fees.
3. Suport HOA and it agents ACCOUNTABILITY bill: Santa Clara HOA Lawsuit: A Landmark \$1.8 Million Award for Deception and Negligence

Respectfully submitted,

Ms. Morrison

HB-70-SD-1

Submitted on: 3/22/2025 3:55:30 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
John Toalson	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

John Toalson

HB-70-SD-1

Submitted on: 3/22/2025 4:25:28 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe M Taylor	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Joe Taylor

HB-70-SD-1

Submitted on: 3/22/2025 11:42:14 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Oppose	Written Testimony Only

Comments:

I am an owner occupant and board member of a Honolulu condominium. I am also a member of CAI. In reading testimony from a senate committee, I learned that CAI supports this bill. They never informed me or consulted me. I disagree with their position, oppose the bill, and ask that you defer it.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” This provision is inconsistent with the general principles of law, in that it allows a plaintiff to file an action without any burden of proof. If an owner brings an action, the owner should be required to prove that the association failed to meet the requirements of Section 514B-148(a). The statute may expose associations to costly frivolous litigation over whether they complied with Section 514B-148(a).

Hopefully you are aware that when associations are sued, their insurance carriers raise premiums, or worse, no longer offer coverage. The language of this bill is playing into the hands of those companies, especially at a time when premiums are rising and legislators are seeking ways to stop this flow of money.

The last sentence which shifts the burden of proof to the association should be deleted. Please defer this bill.

HB-70-SD-1

Submitted on: 3/23/2025 2:12:20 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Lance S. Fujisaki	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I **OPPOSE** H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that "[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association's board. The association shall have the burden of proving substantial compliance with this section in any such action." The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. In some instances, the burden of proof may shift to the defendant, for example, after the plaintiff makes a prima facie showing of certain facts. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,
Lance Fujisaki

HB-70-SD-1

Submitted on: 3/23/2025 9:19:35 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Sadino	Individual	Support	Written Testimony Only

Comments:

This Bill is an improvement over current condo governance.

The information that I get in my annual budget summary from my property manager is different every year. I am a financial advisor, and even I have a difficult time comparing the financials of my Association from year to year.

Thank you,

Jeff Sadino

TESTIMONY FOR HB70 HD1 SD1

For: The Senate Committee on Judiciary (JDC)

DATE: Tuesday, March 25, 2025
TIME: 10:01 AM
PLACE: Conference Room 016 &
Videoconference
State Capitol
415 South Beretania Street

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Gregory Misakian and I have been advocating for the rights of condominium owners in Hawaii since 2021, when I realized how much misconduct and corruption there is within many condominium associations throughout Hawaii, in addition to misconduct and corruption within numerous large management companies that manage and oversee condominium associations, and misuse and abusive use of association attorneys against condominium owners.

I currently serve as 1st Vice President of the Kokua Council, an elder advocacy organization in Hawaii since 1972, a Director at the Hawaii Alliance for Retired Americans, and a member of the Waikiki Neighborhood Board, where we have advocated for better consumer protections for condominium owners in a resolution adopted in 2023 (also adopted by other Neighborhood Boards).

As many as 1/3 of the population of Hawaii lives in condominiums, including many legislators and their friends and families. It has been shown with evidence to support, including many news stories and a great deal of testimony, that condominium owners are being subjected to abusive and predatory practices, often at the direction of the condominium association's President and Board, with management company agents and association attorneys being willful participants. I also know this first-hand, because it's happening at my condominium association, where I and others have been subjected to unlawful retaliation in violation of HRS 514B-191. Our former Maintenance Manager was retaliated

against for simply raising valid concerns regarding serious building issues that needed to be addressed by the Board. The Board President chose to suspend him without informing the Board, which is also a violation of our governing documents, as only the "Board" can make employment decisions. And now there is a lawsuit against the association, which can be seen at eCourt Kokua – Antonio Vierra vs. Keoni Ana AOA.

This Board President is also a former Deputy Attorney General in Hawaii, and a former Corporation Counsel Attorney for the City and County of Honolulu. He is currently employed by our former association law firm (Kobayashi, Sugita & Goda LLC), and was working there before anyone on the Board or the association was even informed, and while they were still our association law firm. Ultimately his actions have cost our association a substantial amount of money in legal expenses and other losses, and the future will only tell what is next regarding assessments and maintenance fees when the current litigation is concluded. I anticipate more litigation and more harm to the association, due to his and other's bad acts, which there are many of, including evidence of fraud, contract fraud, not obtaining permits for projects, and violating a Department of Planning and Permitting stop work order 3x in one week, with HPD called to take reports. Abuse of power seems to be well established in condominium association Boards, but also seen in many other areas of leadership throughout Hawaii, including at the legislature.

While I originally supported HB70 and its intentions, our legislators have carved out more from this bill since the last HD1 version, and deleted a very important section that was previously seen in two places.

(2) Explicitly stating that the defense of good faith compliance is unavailable to any condominium association whose board adopts a budget that omits the required budget summary; and

The defense of good faith shall be unavailable to an association whenever its board adopts a budget that omits the summary required by subsection (a)."

And as I've previously testified, owners still have the burden to go to court for enforcement, which can be very costly. The only real solution to address serious

issues within condominium associations and their proper management, **is to have enforcement of the laws that you enact.**

Please read and support **HB890** and **SB1265** (companion bill) for an **Ombudsman's Office for Condominium Associations.**

HB890 - RELATING TO CONDOMINIUM ASSOCIATIONS. (Ombudsman)

SB1265 - RELATING TO CONDOMINIUM ASSOCIATIONS. (Ombudsman)

And also:

HB1209 - RELATING TO CONDOMINIUM ASSOCIATIONS. (Attorneys' Fees)

HB1311 - RELATING TO CONDOMINIUM PROXY VOTING.

HB1312 - RELATING TO ASSOCIATION MANAGERS.

HB1313 - RELATING TO BOARD MEMBERS.

HB1315 - RELATING TO PARLIAMENTARIANS.

HB1447 - RELATING TO MANAGING AGENTS.

SB1623 - RELATING TO MANAGING AGENTS.

Sadly, as often is the case at the legislature, where some often work for campaign donations before they work for the people of Hawaii, none of these bills were scheduled. It is not too late to take what is in these bills and amend some of the bills the Committee Chairs chose, which mostly do not provide the best solutions or enforceable solutions without condominium owners having to go to court. The #1 goal is to help condominium owners so they do not have to go to court, and have a place to go where they are treated fairly, and where efficient and timely resolutions to issues and concerns can be administered (**i.e., the Ombudsman's Office for Condominium Associations**).

I also ask our legislators to provide a simple breakdown of what they think this section will cost condominium owners if they attempt to enforce it?

Any unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association's

board. The association shall have the burden of proving substantial compliance with this section in any such action.”

Will there be a state fund to subsidize the legal costs that may run into the many thousands of dollars if an owner tried to bring an action alleging a violation? Will you establish free legal counsel for those who can't afford it (as you want to do for illegal aliens)?

The people of Hawaii are counting on you to enact condominium consumer protection laws that help the residents of Hawaii, and not ones that just give the illusion of helping. Your latest magic trick, to make an important section disappear that would have provided more consumer protections, just shows further how disconnected and disregarding some of our legislators are.

Gregory Misakian

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I OPPOSE H.B. No. 70, H.D.1., S.D.1.

The new subsection (g) provides that “[a]ny unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board. The association shall have the burden of proving substantial compliance with this section in any such action.” The last sentence which shifts the burden of proof to the association should be deleted.

A party who brings an action should have the burden of proof. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant. If an owner brings an action alleging that an association has violated HRS Section 514B-148, the owner should be required to put forth evidence of the violation.

Respectfully submitted,

Pamela J. Schell

HB-70-SD-1

Submitted on: 3/24/2025 9:07:43 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Herzog	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB70 and Creation of an HOA Office

For: The Committee on Judiciary (CPC)

Date: March 25, 2025 Time:10:01 am HST

Aloha Chair Senator Karl Rhoads, Vice Chair Senator Mike Gabbard, and Members of the Committee,

My name is Jessica Herzog, and I am a condominium owner and advocate for fair governance within condominium associations. As a former AOA board Treasurer who has personally witnessed and been a victim of embezzlement, I write today to express my strong support for HB70, which aims to improve transparency and accountability within our condominium associations. I also urge the establishment of a State-run, Association-funded HOA Office to enforce these provisions effectively and propose an essential amendment to the current bill.

During my tenure as Treasurer, I experienced firsthand the lack of accountability that boards and management companies exhibit regarding their fiduciary responsibilities. This negligence directly undermines the top priority of our role, which is to protect the funds and best interests of the association. This has led me to advocate strongly for changes that ensure more rigorous oversight and accountability.

Proposed Amendment: To further strengthen HB70, I propose an amendment that **all financial work required for an AOA's annual financial report must be performed by a licensed accountant, independent of the management company.** This amendment is vital to prevent conflicts of interest and ensure accurate, unbiased financial reporting. Currently, management companies often handle these reports internally, claiming oversight by a single accountant for numerous properties, which can lead to discrepancies and a lack of transparency.

The creation of an HOA Office, funded by the associations themselves, is crucial. This office would serve as a neutral and authoritative body capable of overseeing compliance with state condominium laws, mediating disputes, and ensuring that financial reports are handled appropriately and transparently.

In conclusion, while I support HB70 and its intentions, these experiences and observations compel me to emphasize the need for the suggested changes and the establishment of an HOA Office. This office would not only enforce legislative changes but also provide real protection, recourse, and a balanced mediation avenue for condominium owners, ensuring that the nightmares I experienced do not recur for others.

Thank you for considering my testimony. I urge the committee to support the enactment of HB70 along with the necessary amendments to establish a State-run HOA Office and require independent, licensed accountants for financial reporting within AOAOs.

Mahalo nui loa,

Jessica Herzog

Condo Owner, Notary Public

Member of the National Association of Parliamentarians

mssc403@gmail.com | 707.340.5786

For more on our grassroots movement to reform condo laws please visit:

<https://www.leewardrepair.com/2025/01/26/regulatory-bills>

LATE

HB-70-SD-1

Submitted on: 3/24/2025 10:01:20 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Rhoads, Chair, Senator Gabbard, Vice Chair, and Members of the Committee:

I am a condominium unit owner in Hawaii and I **OPPOSE** H.B. No. 70, H.D.1., S.D.1.

I oppose this measure because it will impose a burden of proof on an association when another unit owner brings an action against the association alleging a violation of HRS Section 514B-148. The sentence imposing a burden of proof on associations in such actions (page 5, line 21, through page 6, line 2) should be deleted.

A party who brings an action should have the burden of proof (by presenting evidence that shows their claim meets certain requirements), and a defendant should be given the opportunity to respond to the allegations. It is inconsistent with general principles of law to shift the burden of proof entirely to the defendant.

Respectfully submitted,

Paul A. Ireland Koftinow

LATE

HB-70-SD-1

Submitted on: 3/24/2025 1:40:51 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Lila Mower	Individual	Support	Written Testimony Only

Comments:

I support this measure.