

**SB-385**

Submitted on: 2/2/2025 12:12:09 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

## Comments:

Governing documents are provided to all owners at purchase. The major management companies currently provide all governing documents and other documents online for free. However approximately 20% of Hawaii's condominiums are self-managed or use small real estate firms because more than 50% of Hawaii's condominiums are less than 50 units. The cost or need to enact this Bill is not necessary.



February 5, 2025

**The Honorable Jarrett Keohokalole, Chair**

Senate Committee on Commerce and Consumer Protection  
State Capitol, Conference Room 229 & Videoconference

**RE: Senate Bill 385, Relating to Condominiums**

**HEARING: Wednesday, February 5, 2025, at 10:00 a.m.**

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of 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** Senate Bill 385, which requires that condominium associations make the governing documents available on the association's website and make them accessible to all owners, occupants, and tenants free of charge.

By making condominium governing documents freely available online would help increase transparency and accessibility for owners, occupants, and tenants on important information about their rights and responsibilities.

Additionally, some associations charge fees for obtaining these documents which can create barriers to staying informed about key condominium issues.

Mahalo for the opportunity to provide testimony on this measure.

**LATE**

**SB-385**

Submitted on: 2/3/2025 4:02:33 PM

Testimony for CPN on 2/5/2025 10:00:00 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 Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

First, the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to "owners" only; and 3) limit the governing documents to be made available via an association's website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Mark McKellar

**SB-385**

Submitted on: 2/3/2025 8:59:48 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Resident Manager	Testifying for Honolulu Tower	Oppose	Written Testimony Only

## Comments:

Honolulu Tower is a 396 unit condominium located at the corner of Beretania and Maunakea Streets. On February 3, 2025 the Board of Directors of the Association of Apartment Owners of Honolulu Tower voted unanimously to oppose this bill. Only owners should have access to the association website, not occupants or tenants.

Association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

The governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors.

Idor Harris  
Resident Manager

**SB-385**

Submitted on: 2/2/2025 11:58:24 AM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

## Comments:

I am a condo owner and I oppose this bill. I object to non owners having access to our website. If a non owner or tenant wants a governing document they can request it from their landlord, the owner. That is the proper procedure. I am not even sure if managing agents who run many of the websites have a list of occupants and tenants who are not owners. This bill also creates another security problem. In this day and age there is no way to be sure they will not be able to hack the website for other information. Please defer this bill.

**SB-385**

Submitted on: 2/2/2025 1:17:49 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Miri Yi	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chairs and Members,

My name is Miri Yi, and I am a condominium owner submitting testimony **in strong support** of SB 385.

For years, my Honolulu condominium has experienced severe dysfunction, poor reserve management, blatant abuse of authority, selective enforcement, and a complete lack of transparency in its operations and administration. This includes issues with financial data, meeting minutes, contractor vetting, bids, scope of work, invoices, reserve fund management, and more.

Lack of transparency leads to poor management, embezzlement, homeowner abuse, unequal enforcement, special treatment, theft, and other problems. Homeowners often face unnecessary obstacles from Boards, Property Managers, and Attorneys when trying to access association documents. Excessive fees are frequently charged for access to these records.

To address these concerns, I **strongly support** SB 385, which would require condominium associations to make governing documents accessible online and free of charge to all owners, occupants, and tenants. Specifically, the following provisions should be included:

**1. Online and Physical Access**

- All records required to be retained by an association must be available for examination and copying online via an association website or equivalent.
- Physical records must be available at the association's office or its managing agent's office during reasonable business hours or at a mutually convenient time and location within 30 miles of the AOA/HOA property.

**2. Required Documents for Online Posting**

- The current budget and detailed financial records for the past seven years, including receipts, expenditures, tax returns, and accrual-based accounting reports.
- Minutes of all meetings (excluding executive sessions) and records of all actions taken by the Board, unit owners, and committees.
- General descriptions of all lawsuits or potential lawsuits related to the AOA/HOA.

- A complete and accurate list of current unit owners, including names, addresses, and contact information (with an opt-out option for phone numbers).
- A list of Board members and officers with their service dates.
- The association's most recent annual report filed with the Secretary of State, if applicable.
- Copies of contracts for the past seven years.
- A permanent record of materials relied upon for design, architectural approvals, and enforcement decisions, including fines and court records.
- Copies of insurance policies under which the association is named as an insured entity.
- Any current warranties provided to the association, retained for at least one year after expiration.
- Copies of all official notices provided to unit owners or the association.
- Ballots, proxies, absentee ballots, and voting records for at least seven years.
- A record of all CCR violations, related documentation, fines, and resolutions.
- Job titles and descriptions of employees, on-site/on-call vendors and board members

### **3. Exceptions for Confidential Information**

- Personnel and medical records related to specific individuals.
- Contracts, leases, and negotiations for ongoing transactions.
- Attorney-client privileged details of litigation, mediation, arbitration, or administrative proceedings.
- Legal advice protected by attorney-client privilege or work product doctrine.
- Information restricted by law or court order.
- Records of executive sessions of the Board.
- Personal phone numbers if confidentiality is requested by the member.
- Security access information provided to the association for emergencies.

### **4. Access Rights and Costs**

- All Board members shall have unrestricted access to records.
- Associations may only charge the actual cost for producing and providing copies and may not charge for electronic access or downloads.
- Unit owners have the right to receive copies of records via photocopying or electronic transmission upon request.
- Associations are not obligated to compile or synthesize information beyond the required records.
- Information provided under this section may not be used for commercial purposes.
- Members shall not be required to sign non-disclosure or confidentiality agreements regarding AOA/HOA information.
- Upon termination of its management relationship, an association's managing agent must immediately return all original records to the association, retaining copies only at its own expense.



By implementing SB 385, the Hawaii State Legislature would ensure transparency, accountability, and fairness in condominium governance. **Please pass this crucial bill, which is needed for protecting homeowners' rights and preventing abuses of power within AOA/HOAs.** Mahalo for your consideration.

Very Respectfully submitted,

Miri Yi

**SB-385**

Submitted on: 2/2/2025 7:20:05 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron Cavagnolo	Individual	Support	Written Testimony Only

Comments:

Aloha,

I appreciate the provisions in SB 385 that would require condominium associations to make their governing documents available on the association's website, ensuring they are accessible to all owners, occupants, and tenants free of charge. I believe this is an important step for transparency.

However, I would like to suggest that the condo map be included as part of the required documents. In my experience, the board and property manager seem to have never even reviewed the map, and it would be beneficial for owners and property managers to have easy access to it.

Additionally, I would recommend that the bill require associations to post board meeting minutes on the website. It can be challenging to obtain minutes in a timely manner, and regularly, I have to request them multiple times before receiving them.

Thank you for considering these suggestions.

Ciao,  
Aaron

**SB-385**

Submitted on: 2/2/2025 9:59:44 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

I support this Bill.

**SB-385**

Submitted on: 2/3/2025 2:04:36 AM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Misakian	Individual	Support	Remotely Via Zoom

Comments:

I support SB385 with amendments.

All documents that would be provided to a prospective condominium buyer should be "publicly" available online. This should include the meeting agendas, meeting minutes, and insurance documents.

Gregory Misakian

**The Senate  
The Thirty-Third Legislature  
Committee on Commerce and Consumer Protection  
Wednesday, February 5, 2025  
10:00 a.m.**

To: Senator Jarrett Keohokalole, Chair  
Re: SB 385, Relating to Condominiums

Aloha Chair Jarrett Keohokalole, Vice-Chair Carol Fukunaga, and Members of the Committee,

Mahalo for the opportunity to testify in support of SB 385, with comments.

On November 2, 2023, Dathan Choy, Condo Specialist with DCCA reported in an email:

*“Per our records as of today, there are **230,729 units in 3,411 condominium registrations** with six units or more which would generally be required to register their AOOU...There are **13,154 units in 5,512 condominium registrations where each condominium registrations is five or fewer units** and individually, are exempted from AOOU registration.”*

In 2021, a condominium in Florida, the Champlain Towers South, collapsed and caused the deaths of nearly a hundred people.<sup>1</sup> Although the building had physical deficiencies that caused the collapse, it became abundantly clear that consumers—residents, owners, prospective purchasers and tenants—need and should have access to relevant information for their health and safety about the condominium property.

Seeking to prevent another similar catastrophe, Florida lawmakers reacted by significantly overhauling Florida’s condominium laws and the package of reforms included statewide inspections, mandating reserves, and transparency in association governance.

In 2022, the Miami-Dade Board of County Commissioners approved an ordinance that established a searchable database of financial statements, structural reports, and other information to address residents’ concerns, providing greater accessibility to important information and key documents for condominium associations within that county.<sup>2</sup>

The county of Miami-Dade is similar in magnitude to the state of Hawaii in that it has “about 5,530 associations representing about 274,335 units. Miami-Dade accounts for about 45 percent

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<sup>1</sup> [https://en.wikipedia.org/wiki/Surfside\\_condominium\\_collapse](https://en.wikipedia.org/wiki/Surfside_condominium_collapse)

<sup>2</sup> <https://www.miamidade.gov/global/economy/consumer-protection/community-association-registry.page>

of the total number of condo units in South Florida.”<sup>3</sup> The state of Florida has about 1.5 million condominium units, or about 20% of all condominium units in the nation.<sup>4</sup>

Thus, if a searchable database can be created for a county, then the State of Hawaii should also be able to create a similar database.

SB 385 proposes to provide access to relevant documents available on an association’s website, however, it does not address those associations that lack websites.

Additionally, some associations provide access to documents on their websites, however, these sites are controlled by directors, managers, and management companies who do not have the same motives and do not provide crucial documents which are needed for community safety and harmony.

This bill may be opposed because it provides condo owners equal access to documents that are currently availed to directors, providing them with “insider information” that may reveal that the property demands costly repairs for which owners will need to prepare financially or sell. By withholding those documents, some directors sell at elevated prices compared to later sales when those investigations or costs are finally revealed or when obvious deterioration demands repair.

Without access to critical information, owners may become financially overwhelmed, having to spend their limited resources on special assessments, loan repayments, or both, while under the threat of liens and foreclosures, and being penalized for years of unexposed inadequate planning by their boards and management.

In 2023, I initiated proposals which became LY 2023 SB 1201 and LY 2023 HB 1297 to encourage the creation of a Statewide database of condominium association documents to protect consumers. I wrote in testimony that the proposals would:

- encourages integrity of association governance because of the transparency demanded;
- encourages diligence and fidelity to fiduciary duty, which can stimulate more directors to be educated and knowledgeable about their duties and responsibilities;
- allows prospective owners the opportunity to review more than the minimal documents that are currently provided to enable a more informed purchase and risk analysis;

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<sup>3</sup> <https://peterzalewski.substack.com/p/south-florida-has-nearly-13000-condo>

<sup>4</sup> <https://news.ufl.edu/2024/10/condo-conversation/#:~:text=More%20than%2016%2C000%20condominium%20associations,more%20than%2030%20years%20old.>

- modernizes, streamlines, and encourages good association governance; and
- most document requests will no longer be needed,
  - alleviating RICO of its primary function to condo owners;
  - saving owners as much as hundreds of dollars for each document requested, which fees accrue to benefit property management companies and not the owners' association; and
  - reducing the burden of condo-related disputes on the Court system, which has the positive consequence of mitigating rising association insurance costs.

SB 385, or, better yet, the creation of a Statewide database, protects associations, their owners, and prospective consumers, increases knowledge and prevents liability or worse, minimizes risks, reduces internal disputes, and encourages improved governance.

Mahalo for the opportunity to testify and to re-introduce the concept of a Statewide database of publicly accessible condominium documents.

Aloha,

Lila Mower

**SB-385**

Submitted on: 2/3/2025 11:14:53 AM

Testimony for CPN on 2/5/2025 10:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Oppose	Remotely Via Zoom

## Comments:

I am in opposition to SB385 because it is inconsistent with HRS 514B-191(c). Although, I support that all Governing documents should be made available to owners, I do not think that they need to be made available to non-owner occupants and tenants. Non-owner occupants and tenants are not members of the AOA and, thus, if they want or need to be provided with these documents they should be talking to their landlords; i.e. the owner of the unit and AOA member.

The Governing documents are made available to all owners at the time of purchase, so every owner should already have these documents. The mandating of a website may cost condominiums with additional costs to create and maintain a website.

Condominiums are beginning to be overly regulated, which only adds costs to condo owners.

Thank you.



**LATE**

**SB-385**

Submitted on: 2/3/2025 12:00:50 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
christine morrison	Individual	Support	Remotely Via Zoom

Comments:

1. **Senator Hashimoto's letter to the DCCA** [2024\\_Sen\\_Hashimoto.pdf](#)
2. Must comply with all requested documents [2024 Appeal Association Records.pdf](#)
3. Make all association records electronically available on a website with **NO FEE**.

**LATE**

**SB-385**

Submitted on: 2/3/2025 3:34:50 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

1. the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

1. the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to "owners" only; and 3) limit the governing documents to be made available via an association's website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

michael Targgart

**LATE**

**SB-385**

Submitted on: 2/3/2025 3:46:10 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Sokach	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

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While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

First the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

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Respectfully submitted,

Laurie Sokach AMS, PCAM

Community Portfolio Manager, 27 years

Kona, Hawaii

**LATE**

**SB-385**

Submitted on: 2/3/2025 3:50:05 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Primrose K. Leong-Nakamoto	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

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Respectfully submitted,

Primrose K. Leong-Nakamoto

**LATE**

**SB-385**

Submitted on: 2/3/2025 4:25:05 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

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Respectfully submitted,

Joe Taylor

**LATE**

**SB-385**

Submitted on: 2/3/2025 5:49:51 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

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Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to “owners” only; and 3) limit the governing documents to be made available via an association’s website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Anne Anderson

**LATE**

**SB-385**

Submitted on: 2/3/2025 6:39:22 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

First, the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to “owners” only; and 3) limit the governing documents to be made available via an association’s website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Mary Freeman

Ewa Beach

**LATE**

**SB-385**

Submitted on: 2/3/2025 10:10:26 PM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

ear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

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Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

1. the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to "owners" only; and 3) limit the governing documents to be made available via an association's website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Carol Walker

**LATE**

**SB-385**

Submitted on: 2/4/2025 7:24:43 AM

Testimony for CPN on 2/5/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Wassel	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

I OPPOSE S.B. No. 385 for the reasons set forth below.

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.



First, the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to “owners” only; and 3) limit the governing documents to be made available via an association’s website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Julie Wassel

**LATE**

**SB-385**

Submitted on: 2/4/2025 8:54:03 AM

Testimony for CPN on 2/5/2025 10:00:00 AM

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

Comments:

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

While the notion of providing governing documents free of charge is good, this bill, as drafted, will create issues.

First, the bill presumes that every association has a website. It is doubtful that this is the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. It will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For these reasons I urge the Committee to defer this bill or, at the very least, to amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to “owners” only; and 3) limit the governing documents to be made available via an association’s website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

Lance Fujisaki

**LATE**

Dear Senator Keohokalole, Senator Fukunaga, and Member of the Committee:

**I OPPOSE S.B. No. 385 for the reasons set forth below.**

This bill provides that notwithstanding any other provision to the contrary in the association's declaration, bylaws, or house rules, all governing documents of the association as defined by Section 514B-191(c), shall be made available to all owners, occupants, or tenants on the association's website free of charge.

The bill presumes that every association has a website. This is probably not the case. If the bill is adopted, an exception should be made for associations that do not have a website.

Second, association websites are generally private, with access to documents being generally restricted to owners who must login using a password. Associations should not be required to make their websites accessible to tenants and non-owner occupants who do not have same rights and interests of owners. Tenants and non-owner occupants should obtain documents through the owners, not via access to a private website of an association.

Third, the governing documents to be made available on an association's website should be limited to the declaration, bylaws, and house rules, as amended. The reference to governing documents as defined in HRS Section 514B-191(c) is too broad. It defines governing documents as "an association's declaration, bylaws, or house rules; or any other document that sets forth the rights and responsibilities of the association, its board, its managing agent, or the unit owners."

If the HRS Section 514B-191(c) definition is applied, the bill may be construed as requiring associations to make available to tenants and non-owner occupants private contracts and other documents that have nothing to do with their residency at the condominium project, such as contracts with private vendors. Importantly, it will also require the association to make contracts and other documents available to owners without the benefit of having them sign affidavits stating that the information is requested in good faith for the protection of the interests of the association, its members, or both as permitted by HRS Sections 514B-154 and 154.5. This bill will do more harm than good.

For the above reasons, the Committee should defer this bill or amend it to: 1) make an exception for associations that do not have websites; 2) limit access to the governing documents to "owners" only; and 3) limit the governing documents to be made available via an association's website to its declaration, bylaws, and house rules, as amended,

Respectfully submitted,

*Pamela J. Schell*