

STAND. COM. REP. NO. 2651

Honolulu, Hawaii

FEB 20 2026

RE: S.B. No. 2838
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2838 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Commerce and Consumer Affairs to establish a publicly accessible online portal for condominium association information and documents submitted to the Real Estate Commission with registrations to be funded by an additional Condominium Education Trust Fund Fee;
- (2) Require condominium associations to provide information and documents for publication on the online portal, maintain records, and make records available to a unit owner within a specified timeframe, upon request; and
- (3) Authorize unit owners to recover reasonable attorneys' fees and costs if they prevail in proceedings related to a condominium association's failure to make documents available upon request within a specified timeframe.

Your Committee received testimony in support of this measure from Palehua Townhouse Association and seven individuals.



Your Committee received testimony in opposition to this measure from Honolulu Tower; Associa; Law Offices of Mark K. McKellar, LLC; AOA Lakeview Sands; Hawaii Legislative Action Committee of the Community Associations Institute; and twelve individuals.

Your Committee received comments on this measure from the Hawai'i Real Estate Commission.

Your Committee finds that condominium unit owners in the State can face difficulty accessing association documents without incurring significant costs and delays. This measure would reduce costs and facilitate easier access to a broader range of association documents for unit owners through the establishment of an online portal.

Your Committee finds, however, that this measure is intended to provide condominium unit owners with easier and more cost effective access to association documents. Your Committee has heard the concerns raised in testimony, including the questions regarding the potential publication of certain confidential association documents on an online portal, as proposed by this measure.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required certain documents to be provided to the Real Estate Commission with an application for registration of a project;
- (2) Deleting language that would have increased the annual Condominium Education Trust Fund fee;
- (3) Inserting language that clarifies that a condominium association shall provide certain association documents to a unit owner in an electronic format upon request and at no cost to the unit owner;
- (4) Deleting language that would have required the Department of Commerce and Consumer Affairs to maintain



a publicly accessible online database of certain association documents;

- (5) Deleting language that would have enabled unit owners to recover reasonable attorneys' fees and costs if they prevailed in a proceeding related to a condominium association's failure to make documents available;
- (6) Amending section 1 to remove certain findings and reflect its amended purpose;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (8) 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2838, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2838, S.D. 1, and be referred to your Committee on Ways and Means.

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

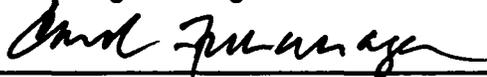


JANNETT KEOHOKALO, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2038	Committee Referral: CPN, WAM	Date: 2/18/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOPE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
LAMOSAO, Rachele	✓			
MCKELVEY, Angus L.K.				✓
AWA, Brenton	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes