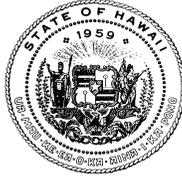


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKELE

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB1742 HD1  
RELATING TO HOUSING.**

REPRESENTATIVE DARIUS K. KILA, CHAIR  
HOUSE COMMITTEE ON TRANSPORTATION

Hearing Date, Time and Room Number: 02/19/2026, 9:00 am, 430

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (Department) offers comments.

3 **Department Testimony:** The Environmental Management Division, Wastewater Branch (EMD-  
4 WWB) provides the following testimony on behalf of the Department.

5 Section 1, pages 3-4, contains proposed definitions for “self-contained relocatable  
6 housing units”. The Department has concerns about the proposed definition: “retains capability  
7 for relocation without structural disassembly” and “operates independently of permanent  
8 utilities using integrated or portable systems for power, water, and wastewater.”

9 Hawai'i Administrative Rules, Title 11, Chapter 62 (HAR 11-62) section 11-62-06(e)  
10 states: “(e) No holding tank, except for public facilities, and no privy shall be used. No portable  
11 toilets shall be used for any permanent structure unless approved by the director.”

12 If self-contained relocatable housing units operate independently of permanent utilities  
13 using integrated or portable systems for power, water, and wastewater, then the wastewater  
14 system is a holding tank, which is not allowed for non-public facilities (e.g., privately-owned  
15 structures) by the Department's Wastewater Branch.

1           Section 1, pages 5-11 contains proposed statutes for self-contained relocatable housing  
2 units and ministerial zoning permits. The Department would like to mention limitations in  
3 wastewater disposal created by the following parts of the proposed statutes on page 8, lines  
4 18-19, “(e) No building, electrical, or plumbing permit shall be required while the unit remains  
5 relocatable and self-contained” and on page 8, lines 20-21 and page 9, line 6 “(f) A permit may  
6 be revoked if the county finds clear and convincing evidence that the: . . . (3) Unit has been  
7 affixed or connected to utilities; . . .”

8           Regardless of whether the self-contained relocatable housing unit operates  
9 independently of permanent utilities using integrated or portable systems for power, water,  
10 and wastewater, the wastewater effluent disposal system will be limited. In accordance with  
11 the proposed statute, the self-contained relocatable housing unit is not allowed to connect to a  
12 standard effluent disposal system such as an absorption bed, absorption trench, seepage pit, or  
13 subsurface irrigation system because none of these standard effluent disposal systems are  
14 portable. The only options for effluent disposal are:

- 15           1) Contracting continuous and frequent pumping and hauling from a registered  
16           pumper-hauler service company or  
17           2) Becoming a registered pumper-hauler with the Department’s Wastewater Branch  
18           and continuously and frequently hauling the self-contained relocatable housing unit  
19           to and pumping the wastewater effluent into the nearest wastewater septage  
20           receiving facility.

21           **Offered Amendments:** None.

22           Thank you for the opportunity to testify on this measure.



 808-733-7060

 808-737-4977

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

February 19, 2026

**The Honorable Darius K. Kila**

House Committee on Transportation  
State Capitol, Conference Room 430 & Videoconference

**RE: House Bill 1742, HD1, Relating to Housing**

**HEARING: Thursday, February 19, 2026, at 9:00 a.m.**

Aloha Chair Kila, Vice Chair Miyake, 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 the intent** of House Bill 1742, HD1, which authorizes the construction and occupation of self-contained relocatable housing units, with certain restrictions. Effective 7/1/3000.

Hawaii faces a severe housing shortage and self-contained relocatable housing is one option that can help to address our state's housing challenges. Self-contained relocatable housing is movable and can operate independently of utilities and can be completed faster at a lower cost than many traditional homes. Removing barriers for this type of housing can help expand housing options and increase the supply of homes across the state.

Mahalo for the opportunity to provide testimony on this measure.



**HB-1742-HD-1**

Submitted on: 2/17/2026 6:30:45 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Philip Nerney	CAI	Oppose	Written Testimony Only

Comments:

The Community Associations Institute opposes HB1742 HD1. With respect to homeowner's associations, the bill proposes to unconstitutionally impair existing contracts, and likely constitutes a taking for which compensation would be required.

Freedom of contract is a fundamental right, and the constitutional prohibition against impairment of contract constrains the scope of legislative action. Homeowner's associations are based on contracts, including with respect to aesthetic and design choices.

Also, HB 1742 HD1 would likely constitute a taking of valuable property rights. The government is constitutionally obligated to pay "just compensation" for taking private property.

Feb. 19, 2026, 9 a.m.  
Hawaii State Capitol  
Conference Room 430 and Videoconference

**To: House Committee on Transportation**

**Rep. Darius K. Kila, Chair**

**Rep. Tyson K. Miyake, Vice Chair**

**From: Grassroot Institute of Hawaii**

**Ted Kefalas, Director of Strategic Campaigns**

RE: TESTIMONY IN SUPPORT OF HB1742 HD1 — RELATING TO HOUSING

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB1742 HD1](#), which would establish a framework for regulating and permitting self-contained, relocatable housing — in other words, homes that can be moved without being disassembled.

These units would give Hawaii residents more housing options and could help families more easily attain homeownership, perhaps through buying a self-contained, movable home and a small plot of land while saving money for a site-built home.

This bill would require these homes to meet various federal rules for prefabricated homes and comply with local building codes. These homes would also have to be able to operate with independent power, sewer and water systems, which would make them perfect for rural or off-grid living.

Last, the bill would establish a permitting process for self-contained housing and require that the counties issue ministerial zoning permits for such housing within 30 days of receiving a complete application.

Hawaii's slow permitting process discourages innovative housing options such as the ones mentioned in this bill. According to the Economic Research Organization at the University of Hawai'i, the average permitting wait time across the state for single-family homes was 188 days over the past five years.<sup>1</sup>

The state also suffers from a shortage of skilled tradespeople, which causes housing projects to take longer and cost more.<sup>2</sup>

Creating a streamlined permitting process for homes such as these would especially help Lahaina residents who were affected by the August 2023 wildfires. People displaced by those fires could live in these units while waiting for building permits, then rent them out once their permanent homes are complete.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

---

<sup>1</sup> Daniela Bond-Smith, Trey Gordner, Rachel Inafuku. et al., "[The Hawaii Housing Factbook 2025](#)," Economic Research Organization at the University of Hawai'i, May 14, 2025, p. 27.

<sup>2</sup> "[Hawai'i Skilled Trades Workforce Analysis](#)," Hawaii Chamber of Commerce, May 2023.

February 19, 2026

TO: Chair Kila and Members of the House Committee on Transportation

RE: HB 1742 HD1, Relating to Housing

Dear Chair Kila and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

**We strongly support House Bill 1742 HD1.** This measure will enable a new form of housing that can provide immediate, flexible, and cost-effective options to meet urgent housing needs.

By authorizing the construction and occupation of these units under clear restrictions, the bill introduces a practical tool to increase housing inventory without requiring long-term land or infrastructure commitments. Allowing self-contained relocatable housing also supports the state's goals of resilience and adaptability. These units can be deployed quickly, relocated as community needs change, and may reduce barriers for individuals and families who are otherwise unable to access traditional housing.

Hawai'i presently enjoys the lowest rate of homeownership in the United States among young adults, specifically those under the age of 35. We need to expand housing opportunities for our young residents, especially those members of our workforce who want to stay in Hawai'i for decades to come.

**Please advance House Bill 1742 HD1.**

Thank you,



Lee Wang  
Executive Director  
Housing Hawai'i's Future  
[lee@hawaiisfuture.org](mailto:lee@hawaiisfuture.org)



Perry Arrasmith  
Director of Policy  
Housing Hawai'i's Future  
[perry@hawaiisfuture.org](mailto:perry@hawaiisfuture.org)

**HB-1742-HD-1**

Submitted on: 2/13/2026 9:29:35 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry,

COMMENT to include DHHL

**HB-1742-HD-1**

Submitted on: 2/17/2026 9:11:47 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Anne Anderson	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

Sincerely,

Anne Anderson

**HB-1742-HD-1**

Submitted on: 2/17/2026 9:35:59 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Oppose	Written Testimony Only

Comments:

Please accept this as testimony in strong opposition to this bill While I applaud your goal of getting more housing built, this is nothing more than a “taking,” stealing of property by preempting and voiding restrictive covenants that conflict with this bill. People purchase homes in planned community and condo associations and cooperative housing corporations because of the restrictive covenants which preserve and protect the value of their homes.

Please have respect for the owners who rely on the covenants and do not cause them harm, including financial, by deciding that the end justifies the means. This is not fair, it is not pono, and must be deferred.

lynne matusow

**HB-1742-HD-1**

Submitted on: 2/17/2026 10:24:24 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Toalson	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

John Toalson

**HB-1742-HD-1**

Submitted on: 2/18/2026 4:44:49 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joe M Taylor	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

Joe

**HB-1742-HD-1**

Submitted on: 2/18/2026 6:17:52 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julie Wassel	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

Respectfully submitted,

Julie Wassel

**HB-1742-HD-1**

Submitted on: 2/18/2026 7:27:39 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark McKellar	Law Offices of Mark K. McKellar, LLC	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

Sincerely,

Mark McKellar

**HB-1742-HD-1**

Submitted on: 2/18/2026 8:23:09 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric J Kuewa	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawai‘i, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

**HB-1742-HD-1**

Submitted on: 2/18/2026 8:29:41 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roger E. Wehrsig	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill due to the following reasons.

This bill is not only objectionable because it preempts and voids restrictive covenants that most owners rely upon, but it leaves open numerous issues. For example, how will the occupants of the self-contained relocatable housing units be classified under the association’s governing instruments and what rights and obligations will they have? Will they be members? Will they have assessment obligations? Will they have voting rights? May they use the common elements or common areas such as the recreational facilities or private parks of the association? May they use the amenities such as the pool? Where will they dispose of their sewage and waste? How will the housing units receive water and electricity service if they operate independently of permanent utilities? How long will the housing units be allowed to remain on lots? How will the housing units affect density, traffic and quality of life in communities and does the bill provide adequate safeguards to prevent abuse and interpersonal conflicts?

1. bill makes no effort to amend HRS Chapters 421J, 514B, or 421I to address any of these issues leaving many open questions which will most assuredly lead to disputes and lawsuits. This bill also raises constitutional concerns about whether it impairs contract rights or constitutes an unlawful taking of property. Additionally, the title of the bill – *i.e.*, “A Bill for an Act Relating to Housing” and its short description of “authorizes the construction and occupation of self-contained relocatable housing units, with certain restrictions” fails to give adequate notice to members of planned community associations, condominium associations, and cooperative housing corporations that this bill may affect them in a very significant way.

## Testimony HB1742

I am opposed to this bill as I live in a high density community of Villages of Kapolei (5000 homeowners) and we already struggle with no room for parking most all single family homes are within 3 feet of each other side to side so that would leave little room for caravans or mobile homes on the garage pad outside where most people park their cars. Also the Covenants enforcement of the rules is already difficult in this community that help ensure that everyone's home values stay high. This bill would allow covenants rules to be bypassed which would be a loss for everyone and the open green concept we foster would be lost by caravans parked in driveways and on the street. The homeless population would increase and it already has many vans parked on its streets near the park at night and these would increase and become more work for the police who are struggling with derelict cars parked on our streets. I hope this bill is rewritten as the guidelines written by HHFDC should never be superseded by other legislation. These rules protect the community. Please do not pass this bill.

Aloha Daphne Westcot

**HB-1742-HD-1**

Submitted on: 2/18/2026 8:40:40 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lance S. Fujisaki	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it will permit an excessive number of “relocatable housing units” on lots without adequate controls to protect density limits, use of utilities, traffic, safety and quality of life. Although there is a need for housing, the solutions to the housing crisis must take into account the adverse effects on communities. The solutions may create more problems than they solve. The question that must be asked and answered is, what will the communities that we live in look like if this bill were adopted?

The bill leaves many questions unresolved. For example, where will occupants of relocatable housing units dispose of their sewage and waste? How will the housing units receive water and electricity service if they operate independently of permanent utilities? How long will the housing units be allowed to remain on lots? How will the housing units affect density, traffic and quality of life in communities and does the bill provide adequate safeguards to prevent abuse and interpersonal conflicts? How will the occupants of the self-contained relocatable housing units be classified under a condominium or planned community association's governing instruments and what rights and obligations will they have? Will they be members? Will they have assessment obligations? Will they have voting rights? May they use the common elements or common areas such as the recreational facilities or private parks of the association? May they use the amenities such as the pool?

This bill makes no effort to amend HRS Chapters 421J, 514B, or 421I to address any of these issues leaving many open questions which will most assuredly lead to disputes and lawsuits. This bill also raises constitutional concerns about whether it impairs contract rights or constitutes an unlawful taking of property. Additionally, the title of the bill - i.e., "A Bill for an Act Relating to Housing" and its short description of "authorizes the construction and occupation of self-contained relocatable housing units, with certain restrictions" fails to give adequate notice to members of planned community associations, condominium associations, and cooperative housing corporations that this bill may affect them in a very significant way.

Thank you for considering my thoughts and concerns.

Lance Fujisaki

Aloha

I am opposed to HB1742, HD1 due to its wording prohibiting HOAs to disallow units. Even with wording that reasonable rules may be established, allowing additional units on lots would drastically change the look and character of the Villages.

As a resident of Malanai in the Villages of Kapolei for over 30 years, I have worked hard to ensure that my property is something of which I can be proud.

I have additional concerns about the burden these units would place on utilities, such as water and sewage. Without consideration of those issues, I cannot support this bill.

**HB-1742-HD-1**

Submitted on: 2/18/2026 8:59:23 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jo Sivils	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1.

For most people, their homes are their single most valuable asset. Many people buy homes in planned community associations, condominium associations, and cooperative housing corporations because they recognize and appreciate the value of restrictive covenants. Indeed, many owners rely upon restrictive covenants to preserve and protect the value of their homes. This bill will unfairly preempt and void the provisions in the governing instruments of planned community associations, condominium associations, and cooperative housing corporations that conflict with the bill without regard to the rights and interests of owners who rely upon those restrictive covenants. While I applaud the Legislature’s attempt to address the housing shortage in Hawaii, preempting and voiding restrictive covenants in planned community associations, condominium associations, and cooperative housing corporations is not the right way to go about it. I urge the committee to defer this bill.

**HB-1742-HD-1**

Submitted on: 2/18/2026 9:04:00 AM

Testimony for TRN on 2/19/2026 9:00:00 AM

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

Comments:

Dear Representative Darius K. Kila, Chair, Representative Tyson K. Miyake, Vice Chair, and Members of the Committee:

Thank you for the opportunity to submit testimony in opposition to **H.B. 1742, H.D. 1**.

**1. Importance of Restrictive Covenants to Homeowners**

For most people in Hawai‘i, their home is their single most valuable asset. Many residents deliberately choose to purchase homes in **planned community associations, condominium associations, and cooperative housing corporations** because they recognize and appreciate the value of **restrictive covenants**. These covenants are not arbitrary; they are relied upon by owners to preserve community character, protect quality of life, and safeguard property values.

This bill would **preempt and void restrictive covenants and governing provisions** in these communities whenever they conflict with the bill, without regard to the rights, expectations, and contractual interests of the owners who rely on those covenants. In doing so, the bill substantially alters the balance of rights within private communities and undermines long-standing, recorded agreements that owners relied upon when purchasing their homes.

**2. Preemption Is Not the Proper Solution to the Housing Crisis**

The Legislature has long-recognized there is a housing crisis. While I appreciate and share the Legislature’s desire to address Hawai‘i’s housing shortage, **preempting and voiding private**

**3. This Measure Does Not Amend Hawaii’s Governing Community Association Statutes**

Equally troubling, the bill makes **no effort to amend or coordinate with:**

- **HRS Chapter 421J** (Planned Community Associations),

- **HRS Chapter 514B** (Condominium Property Regimes), or
- **HRS Chapter 421I** (Cooperative Housing Corporations).

By failing to address these statutory frameworks, the bill leaves associations, owners, and occupants in legal limbo. This lack of clarity will almost certainly lead to **confusion, disputes, enforcement conflicts, and costly litigation**, burdening courts, associations, and homeowners alike.

#### **4. Constitutional and Notice Concerns**

This bill also raises serious constitutional concerns, including whether it:

- **Impairs contract rights**, by retroactively invalidating recorded covenants and governing documents; or
- **Constitutes an unlawful taking of property**, by forcing communities to accept uses they expressly prohibited and relied upon when purchasing their homes.

Additionally, the bill's title—"A Bill for an Act Relating to Housing"—and its short description—"authorizes the construction and occupation of self-contained relocatable housing units, with certain restrictions"—fail to give adequate notice to members of planned community associations, condominium associations, and cooperative housing corporations that this bill may significantly affect their rights and governing documents.

#### **5. Conclusion and Request for Deferral**

H.B. 1742, H.D. 1 attempts to solve a complex housing problem by overriding private contractual arrangements without addressing the practical, legal, and constitutional consequences of doing so. The bill shifts uncertainty and risk onto homeowners and community associations while leaving critical questions unanswered.

For these reasons, **I respectfully urge the Committee to defer this measure** and instead pursue housing solutions that respect existing property rights, provide clear statutory guidance, and avoid unintended harm to established communities.

Thank you for the opportunity to testify.

Respectfully submitted,

Paul A. Ireland Kofinow



Dear Representative Kila, Chair, Representative Miyake, Vice Chair, and Members of the Committee:

I strongly oppose H.B. No. 1742, H.D.1. Many Hawaii residents own and live in properties subject to governing documents with mutually-beneficial covenants..

This Act allows permanent structures (“self-contained relocatable housing units”) placed on land with the consent of the landowner.

I reviewed 3 Declarations of Condominium Property Regime governing three large condominium projects. In each the paramount common element – owned by all owners in the project– is the land upon which the project is constructed. It seems that obtaining consent of all owners of the land would be difficult, if not impossible.

Several thousands of people have purchased property in community associations relying on the mutually equitable servitudes and covenants set forth in their governing documents, which were placed to preserve the character of the community.

The proposed Act turns these planned community living projects on their heads and has too great an impact to be enacted without more contemplation and debate. This Act should be deferred.

**HB-1742-HD-1**

Submitted on: 2/18/2026 12:40:07 PM

Testimony for TRN on 2/19/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
mary freeman	Individual	Oppose	Written Testimony Only

Comments:

This bill has so many things wrong with it it preempts and voids restrictive covenants that most owners rely upon, but it leaves open numerous issues. Clear intent for the common areas of the associations for instance and uses of parks et al.

This bill makes no effort to amend HRS Chapters 421J, 514B, or 421I to address any of these issues leaving many open questions which will most assuredly lead to disputes and lawsuits. It also raises legal concerns about whether it impairs contract rights or constitutes an unlawful taking of property.

Review this and do better!!

Mary Freeman

Ewa Beach