

Testimony of the Hawai'i Real Estate Commission

**Before the
Senate Committee on Commerce and Consumer Protection
Friday, February 13, 2026
9:30 a.m.
Via Videoconference**

**On the following measure:
S.B. 2838, RELATING TO CONDOMINIUMS**

Chair Keohokalole and Members of the Committee:

My name is Derrick Yamane, and I am the Chairperson of the Hawai'i Real Estate Commission (Commission). The Commission offers comments on this bill.

The purposes of this bill are 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 Commission with registrations, to be funded by an additional Condominium Education Trust Fund Fee; (2) require a condominium association 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.

The Commission supports the intent to assist condominium unit owners and prospective purchasers by establishing a publicly accessible online portal containing condominium association information and documents. This goal aligns with our ongoing efforts to make condominium information available online. Currently, the Commission maintains a publicly accessible online database of registered condominium associations, which provides associations' developer's public reports, fidelity bond coverage, contact information of designated officers, and other pertinent data. However, the Commission has several practical concerns that warrant further discussion and consideration.

For example, the public posting of an association's reserve study, structural reports, or financial statements could put the association at a disadvantage when

negotiating contracts, such as repairs to the common elements. Likewise, bidding contractors would enter negotiations with an advantage because they are aware of funds the association has, as well as the association's need to procure such repairs. This may result in increased operational costs and maintenance fees should repair contracts come in at higher costs, which in turn would be passed down to the unit owners.

The documents that can safely be made public are the associations' governing documents; however, limiting the database to these documents would be duplicative of existing government services provided by the Bureau of Conveyances (Bureau) of the Department of Land and Natural Resources and Land Court.

The Commission is concerned that the State may be held liable in the event documents containing personal identifiable information protected by the U.S. Privacy Act of 1974, such as a resident manager's social security number located on their contract with the association, or other confidential information are published on the database. As such, the Commission respectfully requests language indemnifying the State should an association inadvertently publicize confidential, unredacted information into the proposed database.

As this new proposal will require all registered associations, large and small, to upload the required documents, the Commission is also concerned that smaller, self-managed associations may not have the technological capability to comply with the proposed registration requirements and may require the services of a third-party to handle the uploading of documents. Should an association fail to satisfy the registration requirements prior to the established deadline, the association loses its standing to maintain any action or proceed in court until submitting a complete registration application, including payment of a penalty fee.

The Commission's current database only provides information available to the public. To safely implement this measure, a new database capable of restricting access to association documents to their respective unit owners would need to be developed. The Commission, along with 51 other professional and vocational licensing authorities, is administratively attached to the Department of Commerce and Consumer Affairs'

Professional and Vocational Licensing Division (Division); and accordingly, the Commission relies on the Division to provide for the maintenance and appropriate upgrades to its database. The Commission is actively consulting with the Division on the feasibility of such a database, and notes that this bill does not specify a retention period in the maintenance of documents which may overwhelm the storage capacity of the proposed database. To alleviate this matter, the Commission respectfully requests language providing an exemption from any records retention schedule as determined in chapter 94-3, HRS, relating to the retention and disposition of these newly uploaded association documents.

Finally, the Commission anticipates an influx of inquiries about the proposed document requirements. The proposed funding mechanism on page 6, lines 3-12, is likely insufficient to effectively develop and maintain the proposed database, which may include legal fees to defend against liability in the event confidential information is inadvertently published on the database. Should this measure move forward, the Commission requests sufficient appropriation of funding to timely address association inquiries and facilitate its capability to process and maintain association biennial registration documents.

Thank you for the opportunity to testify on this bill.

SB-2838

Submitted on: 2/6/2026 1:10:10 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Tower is a fee simple sprinklered 396 unit condominium located at Maunakea and Beretania Streets. At its meeting on February 2, 2026, the Board of Directors of the Association of Apartment Owners of Honolulu Tower unanimously voted its opposition to this bill.

Among the reasons:

1. Some of the contracts are confidential, as dictated by the vendor. Many contracts don't just list a price. They include many terms, some of which relate to areas where they do not want their competitors to see the terms.
2. It increases cost of education trust fund fee at a time when owners are complaining of maintenance increases due to insurance cost, payroll costs, labor costs, repair cost, etc. . Everything is escalating. WThis is not the only bill nickle and diming associations with an icrease in the fee for the educadtsion trust fund.
3. Executive session minutes should not be included. They deal with personnel and legal issues.
4. Some minutes go back years and may not be recoverable.
5. Increase from 8 to 20 hours is to access material is too much.
6. Some boards meet once a month. The 10 days notice is unrealistic.

The Board urges you to defer this bill.

Idor Harris
Resident Manager

SB-2838

Submitted on: 2/7/2026 3:20:54 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Testifying for Associa	Oppose	Written Testimony Only

Comments:

Let's drive mainteance fees to new higher levels by mandating a public website for all condominium documents with liability and no value. I am talking hundreds of dollars additional per owner.

- Condominiums are private entities.
- Someone is going to have to submit the documents very timely and after certain redactions to avoid liability. It will be very expensive. Won't be done for free. Huge undertaking. Thousands of pages per association.
- So let's put contracts on line so competitve businesses can review in making bids.
- Let's accidently disclose a delinquency or other information and get sued.
- Realtors wil never use the cite as Realtors and Lenders need certified documents as it is too easy modify documents with today's software. Their needs are within 10 days of a conract being signed.

This will be a huge additional cost for owners and liability to associations. Documents are available now under the condominium law and larger managing agents already provide a library of documents online.

Hawaii's 2000 associations are private entities and not public housing. Oppose.

SB-2838

Submitted on: 2/9/2026 7:58:05 PM

Testimony for CPN on 2/13/2026 9:30:00 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, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

Sincerely,

Mark McKellar

SB-2838

Submitted on: 2/10/2026 3:15:41 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Glanstein	Testifying for AOAOLakeview Sands	Oppose	Written Testimony Only

Comments:

Aloha,

This bill appears to be unnecessary and cumbersome. I oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

Mahalo,

Rachel Glanstein

SB-2838

Submitted on: 2/10/2026 9:27:39 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Our association supports SB2838.

Mike Golojuch, President

P.O. Box 976
Honolulu, Hawaii 96808

February 9, 2026

Honorable Jarret Keohokalole
Honorable Carol Fukunaga
Committee on Commerce and Consumer Protection
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **SB 2838 OPPOSE**

Dear Chair Keohokalole, Vice Chair Fukunaga and Committee Members:

CAI opposes SB 2838. It provides for publication of the internal documents of private membership organizations.

The public is not entitled to the internal documents of condominium associations. Only members are so entitled.

Per Hawaii Revised Statutes Section 514B-3:

"Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership **solely by the owners of those portions**. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Emphasis added)

SB 2838 undervalues privacy interests and ignores additional harms from inappropriate public disclosure. The administrative and legal requirements and consequences of a program of this sort are poorly considered in SB 2838. A one-size-fits-all approach would be inappropriate in all events.

Owners are already entitled to free electronic copies of the governing documents of their own association:

[§514B-154.2] Governing documents; electronic copies. (a) Notwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide an electronic copy of its governing documents, as amended or restated, to a unit owner or the unit owner's authorized agent, upon request, at no cost to the unit owner or the unit owner's authorized agent.

(b) For the purposes of this section, "governing documents" means the declaration; bylaws; covenants, conditions, and restrictions; and house rules.

That right is enforceable and a new bureaucracy is unneeded.

Honorable Jarret Keohokalole
Honorable Carol Fukunaga
February 9, 2026
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The scope of the proposed undertaking should not be underestimated. The 2025 Annual Report, Real Estate Commission, (DC 132) identified 1,766 registered condominium associations. Every change in every association would have to be reported every day.

First of all, why? No part of a condominium association's mission is to inform the public. Who is the beneficiary of all this effort? There would be no legitimate reason to establish the proposed apparatus for the benefit of the real estate industry, particularly not at owner expense.

And there are bound to be delays, errors, omissions, corrections; some of which might be the repository's fault. Who is liable, to whom, to what extent, for what? Based upon what standard? Imagine the staff requirements.

The lengthy list of detailed "public information" that "shall [be] include[d]" includes a lot. Suffice to consider several items:

- Contracts. What could be more anti-competitive¹ and anti-consumer than posting every contract of every condominium association on a public database? That would be a formula for price-fixing and other competitive harm. It is astonishing that such a thing could even be proposed, let alone seriously considered.
- Minutes. Confidential information may be revealed in minutes. Personal information may be revealed in minutes. Things that may be relevant to members, but not to the public, may be included. Who will be liable for the defamation, invasion of privacy and other claims that would certainly arise from public disclosure?
- Planned capital expenditures. Does disclosure constitute a promise upon which *the public* can detrimentally rely? What if something comes up after disclosure?
- Structural status. What does this mean? Reports of structural engineers? Random comments by contractors collateral to a task?

At bare minimum, the list of documents for public disclosure is far too long, and too much risk would be attendant to such disclosure.

¹ **\$480-2 Unfair competition, practices, declared unlawful.** (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

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Honorable Carol Fukunaga
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And what about small associations? Should they be subject to onerous disclosure requirements? Why should any association have to aggregate public and private records for non-owners?

The proposed \$1.00 per unit does not reflect the cost or risk of compliance. A whole new class of risk is being created. A duty to the public is either implicitly or explicitly being proposed. Why? Aren't existing burdens on condominium owners sufficient?

Be clear that some mythic class of bad guys called "associations" or "boards" is not at risk. The risk rests firmly upon the owners of condominium units. Owners are responsible for the liabilities of an association.

How will insurers underwrite that risk? At what increased expense? Will coverage be available?

A detail worth noting is that Section 5 of SB 2838 provides for retention of all association and board meeting minutes, "not limited to the meetings in the immediately preceding twelve months." Two things: 1) what about all the old minutes that have already been purged? 2) Does this mean keep minutes for 50 years?

Another detail is the time to produce being reduced from "thirty calendar" to "ten business" days. That is not commercially reasonable.

And what owner should be entitled to require "twenty" hours per year of administrative time to be paid at common expense? Eight is far more than enough.

Self-certification would relieve wrongdoers from exposure to liability. The affidavit requirement should be preserved.

Finally, the game is given away on page 31, lines 1-4:

(h) If the board fails to provide records properly requested under this section, the owner may seek appropriate relief and shall be entitled to an award of reasonable attorneys' fees and costs if the unit owner prevails.

SB 2838 is designed to create unreasonable and onerous requirements that will be administratively burdensome, to enable vexatious litigation of no real merit, and to reward vexatious litigants.

Please, therefore, defer SB 2294.

CAI Legislative Action Committee, by


Its Chair

SB-2838

Submitted on: 2/11/2026 11:27:32 AM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
christine morrison	Individual	Support	In Person

Comments:

RE: SB 2838 Testimony Regarding Document Request Pursuant to HRS §515B

I submit this testimony regarding a written request for condominium association records that I made to Associa Management on **October 10, 2025**. The request was submitted using the DCCA form titled “Owner’s Written Request for Condominium Association Records” and was made pursuant to HRS §515B.

As of February 11, 2026, I have not received any of the requested documents. HRS §515B requires condominium associations to provide requested records within a reasonable timeframe, generally understood to be within 30 days. More than four months have now passed without compliance.

In addition to requesting specific association records, **I also requested that the association identify where in the bylaws it has the authority to restrict or deny unit repairs, particularly during the period from 2018-2026, in light of the \$15 million construction litigation settlement.** To date, I have not received any response or citation to governing documents granting such authority.

This delay exceeds the timeframe contemplated under the statute and constitutes an unreasonable failure to provide access to association records and governing authority relied upon by management.

I respectfully request that this matter be addressed. The failure to comply with HRS §515B **undermines the statutory rights of unit owners to access association records** and raises concerns regarding the management practices of Associa Management.

Respectfully Submitted

LATE

Stafford D. Ritchie II
P.O. Box 1853
Honolulu, Hawaii 96805
(808) 626-5965
sdr2law@att.net

February 13, 2026

State of Hawaii
Senate Committee on Commerce and Consumer Protection
Written Testimony of Stafford Ritchie to Supplement Oral Remarks Concerning SB2838

Thank you for the opportunity to supplement my unscheduled oral testimony today before your Committee concerning SB2838.

I am Stafford Ritchie, a retired attorney living in Honolulu since 2020. From 2016 through 2020, I resided on a neighbor island where I was a board member and president of an exclusively-residential condominium property regime (CPR).

I write in support of legislative efforts to provide a more robust mechanism for condominium owners to obtain documents from condominium managing agents without having to pay unreasonable, arbitrary, and capricious copying fees.

Based on my experience as a board member and president of a single-use CPR, when I became an owner of a residential unit in a multi-use CPR, I could identify irregularities in the budget documents, based on the differing requirements to allocate common expenses among owners of a single-use CPR versus a multi-use CPR.

I requested documents in order to understand the irregularities. The response to my request informed me only that I would have to pay "more than \$1,500" to obtain the documents. Most, if not all, documents were records that would already have been in existence, having been created in the normal course of business. Moreover, the managing agent of my association maintains records in electronic format (*e.g.*, PDF files). Further, the managing agent could have made those electronic format records available through an online portal (*e.g.*, townsquare) for that purpose. Instead, it made what I consider to be an unreasonable, arbitrary, and capricious demand that appears to be based on charging me copying fees of \$1.50 per page instead.

The governing documents of my association require management to provide to all owners a financial report at the end of each fiscal year. I have never received a report since I became an owner for 2020, 2021, 2022, 2023, 2024, or 2025. I brought this failure to the attention of management, but the annual failure continues.

Last year, SB385 amended HRS Chapter 514B to require associations to provide an electronic copy of its governing documents, as amended or restated, to a unit owner or the unit owner's authorized agent, upon request, at no cost to the unit owner or the unit owner's authorized agent. I urge you to expand this duty to comprehend records of the association that already exist, (*i.e.*, already created in the ordinary course of business) which can be provided electronically.

I commend to you for consideration the recent decision of the Hawaii Supreme Court on this topic. *Caven v. Certified Management, Inc., dba Associa Hawaii*, SCWC-19-0000047 (Haw. 2025).

When I finally was able to obtain and review an unaudited financial statement of my association for the year ended December 31, 2024, I identified write-offs totaling almost \$300,000 in the general ledger details. Most of those write-offs were delinquent assessments in accordance with the budgets that the board of directors had adopted. I had to review a document over 150 pages long to identify all the write-offs, which relate to a single owner.

To this date, these write-offs have never been discussed in a regular board meeting, mentioned in the minutes of regular board meetings, or otherwise disclosed to residential unit owners.

Had I been able to obtain the documents I had requested over a year earlier, I would have been able to substantiate the irregularities before they grew to almost \$300,000.

Thank you for your attention and consideration today.

LATE

TESTIMONY IN SUPPORT OF SB2838

Committee on Commerce and Consumer Protection (CPN)

DATE: Friday, February 13, 2026
TIME: 9:30 AM
PLACE: Conference Room 229
& VIDEOCONFERENCE
State Capitol
415 South Beretania Street

From: Gregory Misakian (as an individual)

Submitted: 2/13/26

Aloha Chair, Vice Chair, and Members of the CPN Committee,

While I support SB2838, much more needs to be done.

To address the real needs of condominium owners in Hawaii, without either side having to waste money on attorneys, please read on.

My Background

I currently serve as:

- ❖ President, Kokua Council
- ❖ Vice President, Hawaii Alliance for Retired Americans (HARA)
- ❖ Director, Keoni Ana AOA

I previously served on the Waikiki Neighborhood Board from Jan. 2023 to June 2025.

I have been advocating for condominium owners in Hawaii since 2021, when I realized how bad things were here as an owner and from speaking with many other owners. I have a good understanding of HRS 514B and associated laws that govern condominium associations and management companies that oversee them. I also have experience with condominium issues in California for many years as Power of Attorney for a condominium owner in San Francisco, and have a good understanding of California's Davis-Stirling laws.

I have previously provided numerous testimony to the Legislature, along with others, that mediations in Hawaii for condominium disputes are not working. Mediations cost money, take time, and the majority of mediations from data reported by the DCCA have been unsuccessful. Many homeowners are also reluctant to engage in mediation knowing this, and also knowing that they may be retaliated against. And I also have first hand experience in Hawaii with a condominium related mediation, so I fully understand the process, the expense, and the wasted time with unsuccessful results.

The path forward, and the only path forward to properly address the problem facing Hawaii, is to enact an **Ombudsman's Office for Condominium Owners and Associations**.

BACKGROUND INFO AND REQUEST I RECENTLY SENT TO EVERY STATE LEGISLATOR

With the passing of Act 189 in 2023, the Hawaii State Legislature recognized that Hawaii has numerous unresolved issues related to disputes within condominium associations that require better laws to protect the public from unwarranted assessments, fines, legal fees, and retaliation.

Act 189 established a Condominium Property Regime (CPR) Task Force to study and make recommendations on issues within Hawaii's condominium laws, including disputes, board governance, and dispute resolution, with reports due to the legislature. The CPR Task Force published their formal findings and recommendations to the Legislature in December of 2023, and the Legislature passed on the baton to the Legislative Reference Bureau in the 2024 session with the passing of Act 43, which provided funding for a study and research report on condominium issues and how they are addressed in five pre-selected States (California, Delaware, Florida, Massachusetts, and Nevada). This report, at a cost of over \$300,000, was published in November 2025 and confirmed that some States have Ombudsman's Offices to assist the public with disputes, and some have additional enforcement elements. Ironically, this report did not include a review of Hawaii, which begs the question why not.

What is well known from years of testimony, numerous reports previously published, the December 2023 CPR Task Force report, and the Legislature via Act 189 (2023) and Act 43 (2024), is that the current structure in Hawaii to address condominium issues and disputes is not working. Hawaii urgently needs to shift to a better and more consumer

friendly model, or face continuing discourse, more unnecessary condominium related litigation, and more homeowners at risk of losing their homes or facing unaffordable legal fees.

Better consumer protections are needed to ensure that condominium associations, their Boards, and their Managing Agents are compliant with the laws that govern condominium associations, including governing documents and HRS 514B statutes.

It is time for Hawaii to establish an Ombudsman's Office for Condominium Owners and Associations.

RESULTS OF MY REACH OUT, WHICH WAS DONE IN JUST ONE WEEK (From opening day of the 2026 session, Wed. 1/21, to Wed. 1/28.)

Two Bills: HB2453 and SB3309

My draft preamble and proposed language was simple, and without impacting major changes to current statutes or requiring any State funding. Funding is via a small increase in the Condominium Education Trust Fund fee that all registered condominium associations pay into.

MY CONCERNS AND REQUESTS TO THE CPR TASK FORCE AND THE CPC COMMITTEE

The CPR Task Force should be respectful of their duties, and also respectful to those legislators who enacted a law to convene the Task Force, representing thousands of condominium owners throughout Hawaii.

On agenda at the 1/30/26 CPR Task Force meeting, which I attended, were three draft meeting minutes from 2023 pending approval, and only placed online as a link to the drafts a short time prior to the meeting. This is unacceptable and does not give me or the public a good feeling regarding responsibilities of the Chair and others on the Task Force, and raises concerns regarding transparency. Not surprising, these three meeting minutes from over 2 years ago were still not approved at the 1/30/26 meeting. I am also unable to find a link to testimony I and others submitted to the Task Force.

To the Chair of the CPR Task Force, who did not convene a meeting of the Task Force prior to the start of the 2026 legislative session, and prior to the deadline to introduce

legislation, the clear and obvious question is why not? This Task Force had an opportunity to meet and provide inputs prior to the 2026 session. You had the findings of the Legislative Reference Bureau's 5 State report since November of last year.

As we sadly watch the unrest in the State of Minnesota, where two sides disagree and there is conflict, it should be noted that **the State of Minnesota enacted legislation last year to create an Ombudsman's Office for condominium disputes.**

The Common Interest Community Ombudsperson is established under Minnesota Statutes, section 45.0137. This law creates the position within the Minnesota Department of Commerce to:

- 1. Assist unit owners, tenants, and associations in understanding their rights and responsibilities under Minnesota Statutes, Chapter 515B (the Minnesota Common Interest Ownership Act) and their governing documents.*
- 2. Facilitate informal resolution of disputes between unit owners and associations.*

I am requesting that the CPR Task Force, the CPN Committee, and our legislators please act, and with urgency, on the issues and concerns that need attention and the clear and correct legislation that is needed now.

The State of Hawaii urgently needs an Ombudsman's Office for condominium owners and associations, and numerous States with many condominiums and many complaints have recognized this and have Ombudsman's Offices.

Respectfully,

Gregory Misakian

SB-2838

Submitted on: 2/6/2026 1:08:22 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

I am an owner occupant of a high rise condominium in Honolulu. I strongly object to this bill and respectfully ask that you kill it.

The devil is in the details, and Satan has clearly left his mark here. Managing a condo is not easy. Involved are owners, renters, employees, vendors, managing agents, visitors, etc. It is a finely tuned dance which this bill does not understand.

Some contracts are confidential. That is made clear starting with bids. Vendors do not want to reveal their secrets to competitors. You will have fewer if any firms bidding if they believe their contracts are going to be placed on an online portal for many to see.

We are living in perilous financial times. Costs are escalating, some dramatically. Every increase, no matter how small, impacts on owners and tenants being able to pay their bills. Then you have more than one bill increasing the education trust fund fee. This escalation has to stop. A couple of dollars here and there may not mean much to you, but it does to those who have to pay the bills.

Boards go into executive session to discuss legal and personnel matters. Some of these discussions are highly confidential and putting them on an on line portal could result in lawsuits. Lawsuit then increase insurance fees, or not being able to find insurance. If board members cannot access directors and officers insurance, no one will serve on the board.

Some condos were established 40, 50, or 60 years ago. Back in the day minutes may have been handwritten, typed with carbon paper, even predating no longer used floppy discs and other repositories which can no longer be accessed.

Some boards meet once a month, others less frequently. It is difficult to get board members to meet more frequently than once a month. Ten days is not sufficient as a board cannot meet without a quorum.

Please defer this terrible bill now.

Lynne Matusow

SB-2838

Submitted on: 2/8/2026 4:46:20 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lourdes Scheibert	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB 2838

To: Chair Senator Jarrett Keohokalole

Vice Chair: Senator Carol Fukunaga

Committee on Commerce and Consumer Protection

My name is **Lourdes Scheibert**, and I respectfully submit testimony **in strong support of SB2838**

Chair and Members of the Committee:

I strongly support SB 2838.

Condominiums make up a significant portion of Hawai‘i’s housing stock, and for many residents—especially seniors and working families—they are the only affordable path to homeownership. Yet condominium owners routinely face difficulty obtaining basic association documents needed to understand finances, governance, maintenance obligations, and risks.

SB 2838 directly addresses this problem by creating a centralized, publicly accessible online portal for condominium association information. By requiring associations to file key governing, financial, insurance, reserve, and structural documents with DCCA, this bill modernizes access to information that owners are already legally entitled to receive—but too often must fight to obtain.

The bill also shortens response timelines, allows electronic access at no cost, and provides meaningful enforcement by authorizing recovery of attorneys’ fees when associations fail to comply. These provisions shift disputes away from costly mediation and litigation and toward transparency and voluntary compliance.

Importantly, SB 2838 reduces—not increases—long-term costs by preventing conflicts, improving resale disclosures, and helping owners make informed decisions before problems escalate into financial crises or displacement.

This is a practical, data-supported solution that aligns with national best practices and prior legislative studies. Transparency is not over-regulation; it is a basic consumer protection.

For these reasons, I respectfully urge you to support SB 2838.

Mahalo for the opportunity to testify.

SB-2838

Submitted on: 2/9/2026 2:03:21 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorraine Leslie	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB 2838

To: Chair Senator Jarrett Keohokalole

Vice Chair: Senator Carol Fukunaga

Committee on Commerce and Consumer Protection

My name is **Lorraine Leslie**, and I respectfully submit testimony **in strong support of SB2838**

Chair and Members of the Committee:

I strongly support SB 2838.

Condominiums make up a significant portion of Hawai‘i’s housing stock, and for many residents—especially seniors and working families—they are the only affordable path to homeownership. Yet condominium owners routinely face difficulty obtaining basic association documents needed to understand finances, governance, maintenance obligations, and risks.

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This is a practical, data-supported solution that aligns with national best practices and prior legislative studies. Transparency is not over-regulation; it is a basic consumer protection.

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Mahalo for the opportunity to testify.

SB-2838

Submitted on: 2/9/2026 4:53:45 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

I oppose this bill.

SB-2838

Submitted on: 2/9/2026 4:59:30 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

Respectfully submitted,

M. Anne Anderson

SB-2838

Submitted on: 2/9/2026 5:08:11 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

SB-2838

Submitted on: 2/9/2026 5:51:20 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

John Toalson

SB-2838

Submitted on: 2/9/2026 10:32:31 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

Respectfully submitted

Julie Wassel

February 9, 2026

RE: S.B. No. 2838 - Testimony In Opposition.

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I STRONGLY OPPOSE S.B. No. 2838 for the reasons set forth below.

1. Comments Regarding SECTION 1.

I object to the statement: “Reports in the Hawaii Condominium Bulletin also show that one of the more frequent statutory violations by managing agents is the failure to comply with section 514B-154.5(c), Hawaii Revised Statutes . . .” There is no citation in the bill to any document that supports this statement and, to my knowledge, there is no empirical evidence that violations of section 514B-154.5(c) are significant problems.

Although there may be support for online portals in other states, S.B. 2838 provides no evidence that any state has adopted statutes that require associations to publish confidential association records on publicly accessible websites as does S.B. 2838. The requirement that associations publish private records on a publicly accessible website is extremely problematic.

My specific objections are discussed below.

2. Comments Regarding SECTION 4.

I oppose the proposed amendments to section 514B-103(2) as they will require all associations to make public disclosures of new categories of information and documents. The bill does not explain why it is necessary to make such public disclosures. Before imposing additional duties on associations, the Legislature should be sure that the disclosure requirements will serve a public need. The text in the bill does not establish such a public need.

The financial, administrative, and other burdens that this bill will impose on associations will be significant given the duty to submit accurate and complete information. The bill does not provide for any margin of error. If an association inadvertently provides inaccurate information, by virtue of this bill, it may be exposed to claims by owners or third-parties. Therefore, to comply with the statute, associations will have to double and triple check the information or suffer the risk of claims.

Imposing duties upon associations without adequate justification can be very harmful in the long run not only due to the administrative burdens and expense, but also increased claims against associations for violations of those statutory duties, increased insurance premiums resulting from increased claims, and ultimately, increases in maintenance fees to cover the overhead and increased insurance premiums. Ultimately, unit

owners will be required to fund the direct and indirect costs of this bill.

Furthermore, the documents that are subject to submission should generally already be available to owners and prospective buyers through other means.

My specific objections to the list of items that must be submitted to the Real Estate Commission in section 514B-103(a)(2) are as follows:

a. The name and contact information of an emergency contact for the association that is not the managing agent;

I would expect that associations will have difficulty finding a member willing to serve as an emergency contact, particularly if his or her contact information will be publicly disclosed. The bill articulates no reason for publicly disclosing the emergency contact information.

b. Accurate copy of the articles of incorporation, if any, declaration, bylaws, and amendments thereto;

This information should be disclosed only to unit owners. Although the governing documents are filed and/or recorded in the Land Court or Bureau of Conveyances, it should not have to be publicly disclosed by associations.

c. Accurate copy of the regulations, resolutions, and house rules, if any;

Associations and boards adopt numerous resolutions that relate to the internal operations of the associations and are not intended to be publicly disclosed. It would be extremely burdensome for every resolution adopted by an association or board to be publicly disclosed. Associations may be harmed by such public disclosure. Disclosure of resolutions may be harmful when associations engage in contract negotiations. Vendors and contractors may review the resolutions to obtain an economic advantage in the negotiations.

Additionally, some resolutions are adopted in executive session and confidential, such as resolutions regarding litigation and personnel matters. It would be extremely harmful to require condominium associations to publically disclose confidential resolutions and in some cases, it may result in the violation of privacy laws.

d. Master lease, if any;

Unit owners should already have access to the master leases on leasehold projects.

e. A sample original conveyance document;

Unit owners should already have access to the original conveyance documents on leasehold projects.

f. All public reports and any amendments thereto;

Condominium public reports are available on the DCCA website. There is no reason to include this on the list.

g. All contracts, leases, or other agreements entered into by the board to which the association is a party or under which the association or unit owners have obligations or liabilities;

Although unit owners have a right to inspect their association's contracts, leases and other agreements, such documents are not public records. Associations would ultimately be harmed if they were required to publish all contracts, leases and other agreements on a public website. If disclosed, contracts, leases and other agreements of an association may place the association in a position of economic disadvantage in the negotiations with other vendors as vendors will know the terms that the association previously agreed to and other private information. Some vendors may decide not to enter into transactions with associations to avoid the compulsive disclosure of proprietary information.

h. Minutes of all meetings of the association, pursuant to sections 514B-122 and 514B-126 for the immediately preceding twelve months;

Minutes of meetings of associations should not be posted on a publicly accessible website. The minutes should be viewed only by members.

i. All policies of insurance of the association, including current policies and policies for the immediately preceding ten years;

Association insurance policies should not be posted on a publicly accessible website. This may only invite third-party claims or otherwise adversely affect the association.

j. The most recent reserve study;

Association reserve studies should not be posted on a publicly accessible website. Vendors may use the reserve studies to their advantage when negotiating contracts with associations.

- k. A list of the association's planned capital expenditures, if any, from the date of registration through June 30 of the following year;**

Planned capital expenditures of associations should not be posted on a publicly accessible website. Vendors may use this information to their advantage when negotiating contracts with associations.

- l. The association's most recent audited financial statement;**

Audited financial statements contain private information that should not be posted on publicly accessible websites. Audited financial statements often contain references to ongoing or anticipated litigation, the public disclosure of which may be harmful to associations. They may include other private information.

- m. The association's most recently adopted budget with any monthly or recurring association fees and any applicable current or approved special assessments specifically outlined;**

Association budgets should not be posted on a publicly accessible website. Vendors may use this information to their advantage when negotiating contracts with associations as they will know how much associations budgeted for upcoming projects.

- n. All reports issued within the preceding ten years on the structural status of each property owned, operated, or governed by the project or association;**

Publishing “all reports” on structural status on a publicly accessible website could create immense confusion and problems. An association that receives a report on structural status from anyone, whether qualified or not, would be required to publish the information. There is no precedent for such a requirement and it could expose associations to manipulation. Property values may be adversely affected as there will be no opportunity for associations to challenge unreliable reports on structural status

- o. A description of the location of all building permits for work in the common elements of the project or association, which shall be posted during construction;**

This requirement is poorly drafted, vague, and ambiguous. It is not clear what it means. It should be stricken on that basis alone.

3. Comments Regarding SECTION 5.

The proposed amendments to section 514B-153(a) refer to the same documents that are listed in the proposed amendments to section 514B-103(a)(2)(F) in Section 4 of the bill. Therefore, I incorporate my comments from Section 4.

The new section 514B-153(e) will cause problems as it requires the Real Estate Commission to maintain a searchable database containing the information and documents described in Section 4 of the bill.

I oppose amending section 514B-153(f) to remove the requirement of an affidavit and to replace it with “written certification.” An affidavit is a written statement of facts signed by a person in the presence of an officer authorized to administer oaths, such as a notary public, after the person has first declared under oath that the facts contained in the statement are true. By comparison, it is unclear what a “written certification” is. In any case, a certification will clearly not involve a notary public. It will not require a person to declare under oath that the facts are true. There will be no objective evidence that the person who signs the certification is the unit owner. Certifications will provide associations with little protection. The requirement of an affidavit has been included in the Condominium Property Act for decades, including Chapters 514A and 514B and there is no reason to make a change.

4. Comments Regarding SECTION 6.

Section 514B-154(a)

The proposed amendments to section 514B-154(a) are unnecessary as there are already provisions for disclosure of records and recovery of attorneys' fees and costs. Therefore, I oppose the additional text on procedures for inspection and examination, and attorneys' fees and costs.

I oppose amending section 514B-154(a) to require associations to produce documents to unit owners' authorized representatives, if requested by owners. There is no justification for this change. The documents should be limited to unit owners.

I oppose amending section 514B-154(a) to require that associations “make available all records requested within ten business days of receipt of the owner's written request.” A ten-day requirement is unreasonable in light of the limited resources of associations and the immense administrative burden that associations are under. The board will need to decide on some requests and it is frequently impossible to call and hold a board meeting on such short notice.

A ten-day requirement will only invite the assertion of claims against associations and exacerbate the financial burdens. The current deadline is fifteen days under section 514B-154(a)(2) and it applies only to the minutes of the board once approved for the current and prior year. Not only does the bill reduce the deadline from fifteen to ten days, but it also significantly broadens the scope of documents subject to section 514B-154(a).

Section 514B-154(a)(2)

As discussed above, I oppose amending section 514B-154(a)(2) to require associations to produce documents to unit owners' authorized representatives.

Section 514B-154(a)(3)

As discussed above, I oppose adding a new section 514B-154(a)(3) to require the publication of private records of associations on a public online portal.

Section 514B-154(b)(1)

For reasons discussed above, I oppose amending section 514B-154(b)(1) to remove the requirement of an affidavit and replace it with “written certification.”

Furthermore, I object to the deletion of, “for the protection of the interests of the association, its members, or both,” and replacing it with “will not be used by the unit owner for any commercial purpose or any purpose that does not relate to the association.” There is no explanation or need for this change.

Section 514B-154(b)(2)

I oppose changing the trigger for payment of administrative costs from eight hours per year to twenty hours per year. There is no justification for this amendment and it will only cause a proliferation of document requests, increase the cost of administrative overhead and prevent association managers from doing their jobs.

Section 514B-154(c)(2)

For reasons discussed above, I oppose deleting “duly executed and acknowledged affidavit” and replacing the clause with “written certification.”

Section 514B-154(h)

I oppose changing the document retention period for association records from five years to ten years. No explanation has been given for this change. A ten year document retention period will impose a significant administrative and financial burden on managing agents and managers. By increasing the quantity of documents that must be retained, associations will incur not only increased storage expenses, but more significantly, there will be a substantial increase in expenses for filing, organizing and searching thousands of additional pages of documents when associations receive document requests. This will adversely affect all owners financially.

5. Comments Regarding SECTION 8.

Section 514B-154.5(a)(2)

I oppose the proposed amendments to section 514B-154.5(a)(2) as they significantly expand the documents that are subject to this subparagraph (a)(2).

Section 514B-154.5(a)(6)

I oppose removing the requirement of a “duly executed and acknowledged affidavit” and replacing it with “written certification.” See comments above.

Section 514B-154.5(a)(8) and (9)

I oppose amendments to subparagraphs (a)(8) and (9) as these changes are unnecessary and no explanation is given for these changes.

I oppose changing the trigger for payment of administrative costs from eight hours per year to twenty hours per year. There is no justification for this amendment and it will only cause a proliferation of document requests, increase the cost of administrative overhead and prevent association managers from doing their jobs.

Renumbered section 514B-154.5(a)(12)

I oppose changing the response deadline for requests for “other documents” from “thirty calendar days” to “ten business days.” No explanation is given for this change. A ten day requirement is unreasonable in light of the limited resources of associations and the immense administrative burden that associations are under. A ten-day requirement will only invite the assertion of claims against associations and exacerbate the financial burdens and exposure to claims. The current deadline of thirty days under section 514B-154.5(a)(14) is reasonable.

The category of “other documents” may include any number of categories of documents that may not be available for production immediately and additional time may be needed to respond to the request.

Renumbered section 514B-154.5(e)

This provision is confusing because it states that associations may comply with this and other sections by making required documents available via the Real Estate Commission online portal. The bill requires that documents listed in section 514B-103(a)(2) be submitted on biennial registration applications, and these documents will be accessible on a public database. Although I oppose that requirement, if the amendments to section 514B-103(a)(2) were adopted, the amendments to section 514B-154.5 would be superfluous.

For the foregoing reasons, I STRONGLY OPPOSE S.B. No. 2838 and urge your Committee to defer this measure.

Respectfully submitted,



Lance S. Fujisaki

SB-2838

Submitted on: 2/10/2026 7:51:35 AM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurence Chapman	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

1. oppose S.B. No. 2838. It is not only a very onerous bill, but it will require condominium associations to publish private, and in some instances, confidential information online for public viewing. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the Committee to defer S.B. No. 2838.

Respectfully submitted,

Laurence Chapman

SB-2838

Submitted on: 2/10/2026 3:30:25 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

I oppose SB 2838. It will require condominium associations to publish private, and in some instances, confidential information online for public viewing. This could lead to legal issues not addressed by this bill. Lance S. Fujisaki has listed numerous problems with the bill in his testimony. I join in the testimony of Lance S. Fujisaki and urge the committee to also reject 514B-103 (a) (2) assigning emergency notifications to the BOD members. These are volunteer positions. To expect an unpaid board member to be on 24 hour notice is not realistic. Also publicly divulging information that is information is pertinent to home owners is not necessary. There are legal avenues to that information that do not require general publication. Information for home owners should be readily available to them.

Mary Freeman

Ewa Beach

The Senate
The Thirty-Third Legislature, 2026
Committee on Commerce and Consumer Protection
Friday, February 13, 2026
9:30 a.m.

To: Senator Jarrett Keohokalole, Chair
Re: SB 2838, Relating to Condominiums

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

I **strongly support SB 2838** to establish a publicly accessible online portal for condominium association information and governing documents. This measure is a necessary and overdue step toward improving transparency, accountability, and consumer protection in condominium governance.

In 2021, Champlain Towers South in Florida collapsed and took 98 lives. The disaster was linked to the association's failure to properly fund and manage its reserves, and exposed widespread failures in condominium association laws, oversight, and enforcement. It subsequently led to a \$1.2 billion settlement for the families of victims and survivors which, in turn, sent insurance premiums soaring.

The sheer magnitude of the disaster and the recognition of the shared responsibility of all stakeholders, including owners and residents, accelerated a response from the Miami-Dade County.

Less than a year later, Miami-Dade County enacted an ordinance creating a publicly accessible condominium registry and document database, administered by its Consumer Protection division. This registry was implemented quickly and now serves as a model for proactive oversight and informed consumer access.

Hawaii should adopt a similar approach.

Reliable access to association information is not merely convenient — it is essential for market fairness and consumer protection. A 2025 report by Association Evaluation, LLC, noted that condominium and homeowner association sales are frequently complicated by lack of accessible association data, undisclosed special assessments, and hidden financial risks. The report further cited industry reserve studies showing that a large majority of associations are underfunded and face serious financial strain. Without a trusted public source of records, buyers and owners are exposed to preventable financial harm and costly litigation.

Some may argue that individual association websites are sufficient. In practice, they are not. These sites are typically controlled by boards or managing agents who may have institutional incentives to delay, filter, or selectively present information. This structural conflict of interest

undermines reliability. A neutral, government-administered repository eliminates that conflict and establishes a uniform disclosure standard.

Hawaii already maintains a limited condominium registration database, but it lacks meaningful document access and functional transparency. For over a quarter of a century, since 1999, the Real Estate Commission has repeatedly stated a long-range goal of creating a central online depository for condominium documents, yet implementation has not occurred. Even after the DCCA's 2020 launch of a cloud-based platform capable of supporting such a system, successive annual program plans continue to repeat the same feasibility study language without execution. This prolonged delay undermines the statutory directive in HRS §514B-71 to improve and efficiently administer condominium associations and dispute resolution processes.

A comprehensive public database would produce immediate and measurable benefits:

- Enable informed owner and buyer decision-making,
- Strengthen board accountability,
- Deter fraud and financial mismanagement,
- Reduce disputes and litigation costs,
- Support earlier intervention in financially distressed associations,
- Improve insurance and lending risk assessment,
- Build public trust in condominium governance,

and is consistent with broader government transparency policy. Honolulu City Council Bill 76 emphasized that transparency and open access to information are fundamental to accountability and public trust in governance. Public policy advocates have likewise recognized that searchable online databases significantly strengthen oversight and civic confidence.

Hawaii has recently experienced multiple warning signals — major condominium fires, national structural failures, association embezzlement cases, escalating insurance instability, and emergency executive action related to the condominium insurance crisis. These events demonstrate that better information infrastructure is not optional; **it is a risk-reduction necessity.**

A modern, centralized, publicly accessible condominium association registry is practical, achievable, and aligned with existing statutory responsibilities. The technology already exists. The policy rationale is clear. The public interest is compelling.

For the protection of residents' safety, financial security, and property rights, I urge the Legislature to authorize the implementation of a comprehensive statewide condominium information and document portal without further delay.

Mahalo for the opportunity to testify in strong support of SB 2838.

Lila Mower

SB-2838

Submitted on: 2/10/2026 11:50:50 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Primrose	Individual	Oppose	Written Testimony Only

Comments:

RE: S.B. No. 2838 – Testimony in Opposition Dear Senator Keohokalole, Chair; Senator Fukunaga, Vice Chair; and Members of the Committee:

I strongly oppose S.B. 2838 for the following reasons.

1. Comments on SECTION 1

The bill claims that managing agents frequently violate section 514B-154.5(c), but it provides no citation or evidence to support this. To my knowledge, there is no data showing that violations of this section are a widespread problem.

While some states support online portals, I am not aware of any state that requires associations to post confidential records on publicly accessible websites, as this bill would require. Publishing private association records online is extremely concerning and creates serious risks.

2. Comments on SECTION 4

The proposed changes to section 514B-103(2) would force associations to publicly disclose many new categories of documents and information. The bill does not explain why this level of public disclosure is necessary or what public need it serves.

These requirements would create major financial and administrative burdens. Associations would be responsible for providing accurate, complete information with no margin for error. Even small mistakes could expose associations to claims from owners or third parties. To avoid liability, associations would need to repeatedly verify every submission, increasing costs and workload.

Unnecessary disclosure requirements can harm associations in the long run by increasing administrative expenses, insurance premiums, and ultimately maintenance fees. Unit owners will bear these costs.

Many of the documents listed are already available to owners or prospective buyers through existing channels. Requiring associations to publicly post them is unnecessary and potentially harmful.

Below are my specific objections to the items listed in section 514B-103(a)(2):

a. Emergency contact information

Associations will struggle to find someone willing to serve as an emergency contact if their personal information must be publicly posted. The bill does not explain why this disclosure is needed.

b. Articles, declaration, bylaws, and amendments

These documents should be available to owners, not posted publicly by associations.

c. Regulations, resolutions, and house rules

Associations adopt many internal resolutions not meant for public release. Posting them all would be burdensome and could harm associations—for example, by giving vendors leverage during contract negotiations. Some resolutions are confidential (litigation, personnel matters), and public disclosure could violate privacy laws.

d. Master lease

Owners already have access to master leases in leasehold projects.

e. Sample original conveyance document

Owners already have access to these documents.

f. Public reports

These are already available on the DCCA website.

g. Contracts, leases, and agreements

These are not public records. Posting them online would put associations at a disadvantage in negotiations and could discourage vendors from working with associations due to forced disclosure of proprietary information.

h. Minutes of meetings

Meeting minutes should be available only to members, not posted publicly.

i. Insurance policies

Posting insurance policies online could invite third-party claims or otherwise harm the association.

j. Reserve study

Vendors could use reserve studies to their advantage in negotiations. These should not be publicly posted.

k. Planned capital expenditures

Publicly posting planned expenditures would again give vendors leverage in negotiations.

l. Audited financial statements

These often contain private information, including references to litigation. Public posting could harm associations.

m. Budget and fees

Public posting of budgets could disadvantage associations during contract negotiations.

n. Structural reports

Requiring all structural reports to be posted—regardless of source or reliability—could cause confusion, harm property values, and expose associations to manipulation. There is no precedent for this requirement.

o. Location of building permits

This requirement is vague and unclear. It should be removed.

3. Comments on SECTION 5

Section 5 refers to the same documents listed in Section 4, and my objections above apply here as well.

The new requirement for the Real Estate Commission to maintain a searchable database of all these documents will create additional problems.

I also oppose replacing the long-standing affidavit requirement with a “written certification.” An affidavit is sworn under oath before a notary, providing accountability and protection. A “written certification” is undefined, does not require a notary, and offers no assurance that the signer is the actual unit owner. Removing the affidavit requirement weakens protections that have existed for decades.

4. Comments Regarding SECTION 6

Section 514B-154(a)

The proposed changes to this section are unnecessary. Current law already provides a process for record disclosure and for recovering attorneys' fees and costs. Adding more procedures only creates confusion and additional burdens, so I oppose these amendments.

I also oppose requiring associations to provide documents to "authorized representatives" of unit owners. There is no justification for expanding access beyond the owners themselves.

The bill would also require associations to provide all requested records within **ten business days**. This is unrealistic. Associations have limited staff and resources, and many requests require board review. Boards cannot always meet on such short notice. A ten-day deadline will only increase claims against associations and add to their financial strain.

Current law already requires a fifteen-day deadline for a much narrower category of documents. This bill shortens the deadline and dramatically expands the number of documents covered, which is unreasonable.

Section 514B-154(a)(2)

For the same reasons stated above, I oppose requiring associations to provide documents to owners' authorized representatives.

Section 514B-154(a)(3)

I oppose adding a new requirement to publish private association records on a public online portal. As stated earlier, this creates serious privacy, financial, and operational risks.

Section 514B-154(b)(1)

I oppose removing the long-standing affidavit requirement and replacing it with a vague "written certification." An affidavit is sworn under oath before a notary and provides accountability. A certification does not. There is no reason to weaken this protection.

I also object to removing the phrase "for the protection of the interests of the association, its members, or both" and replacing it with language about commercial use. The bill gives no explanation for this change, and it removes important protections for associations and their members.

Section 514B-154(b)(2)

I oppose increasing the threshold for administrative cost recovery from eight hours per year to twenty hours. This change has no justification and will encourage excessive document requests. It will increase administrative costs and prevent managers from performing their core duties.

Section 514B-154(c)(2)

For the reasons already stated, I oppose replacing “duly executed and acknowledged affidavit” with “written certification.”

Section 514B-154(h)

I oppose extending the document retention period from five years to ten years. The bill provides no explanation for this change. A ten-year retention requirement will significantly increase storage, filing, and administrative costs. Searching through twice as many documents will also increase the time and expense of responding to requests. These costs will ultimately fall on all owners.

5. Comments Regarding SECTION 8

Section 514B-154.5(a)(2)

I oppose the proposed amendments because they greatly expand the types of documents covered under this subsection. This expansion is unnecessary and will impose additional administrative burdens without any demonstrated public benefit.

SB-2838

Submitted on: 2/11/2026 11:05:09 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Diann Karin Lynn	Individual	Support	Written Testimony Only

Comments:

I fully support a centralized, publicly accessible, online portal for condominium association information. The current situation leaves ease of access up to the individual association, whereas electronic access provides uniform, straightforward and no cost availability of essential documents. This is a practical, data-supported solution and something Hawaii's huge condominium owner constituency deserves.

LATE

SB-2838

Submitted on: 2/12/2026 1:17:46 PM

Testimony for CPN on 2/13/2026 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I **oppose** S.B. 2838.

I also join in the testimony of the CAI Legislative Action Committee and the testimony of M. Anne Anderson.

Sincerely,

Paul A. Ireland Koftinow

LATE

SB-2838

Submitted on: 2/13/2026 6:08:28 AM

Testimony for CPN on 2/13/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chandra Kanemaru	Individual	Oppose	Written Testimony Only

Comments:

Dear Senator Kenohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I **STRONGLY OPPOSE** SB 2838 for the reasons set forth in the testimony of Lance S. Fujisaki and urge the Committee to defer SB 2838. It is a very onerous bill, and it will require condominium associations to publish private and, in some instances, confidential information online for public viewing.

Respectfully submitted,

Chandra R.N. Kanemaru

Country Club Village, Phase 2 Board Secretary

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

Thank you for hearing **SB 2838** regarding the creation of a centralized online portal for condominium association documents. I appreciated the recent discussion and was encouraged to hear the shared goal of keeping condominium owners and associations out of court whenever possible.

A centralized, neutral document repository directly supports that objective by preventing disputes before they escalate into litigation.

I respectfully ask you to give further consideration to this proposal and have herein provided source citations and exhibits that I did not provide in my earlier written testimony.

For more than 26 years, the DCCA Hawaii Real Estate Commission Annual Reports^{1,2} have referenced plans for a centralized online condominium document repository. Consumers and taxpayers have reasonably relied on these repeated commitments. Hawai'i already operates multiple public-facing government portals containing sensitive or regulated information — including court records, health facility inspections, and planning and permitting databases — demonstrating that secure, appropriately structured transparency is both feasible and routine.

In October 2020, the DCCA Professional and Vocational Licensing Division launched a cloud-based Salesforce platform described as a leading data management system supporting transparency, accountability, and responsiveness in addressing consumer grievances.³

However, this platform has not yet been implemented by the Real Estate Commission for condominium governance records, despite the Commission repeating the same objective in its 2026–2027 Program of Work:⁴ to provide all condominium information online through a central depository of association governing documents, including meeting minutes. Continued delay in implementation prolongs avoidable disputes and increases burdens on regulators and courts.

Access to documents — including contracts and financial records — is fundamental to the self-governance model embedded in condominium law.⁵ Owners are legally responsible for oversight of their associations, but oversight is impossible without reliable access to records.

Multiple enforcement provisions in HRS 514B already require document availability, and Act 161 (2025) further strengthened owners' rights to electronic access. Yet owners across the state continue to report barriers, refusals, delays, and cost obstacles when requesting records.

¹ Addendum A

² https://www.capitol.hawaii.gov/sessions/session2026/bills/DC132_.PDF

³ <https://hdcca.hawaii.gov/s/>

⁴ <https://cca.hawaii.gov/reb/files/2025/08/26-27-POW-PUB.pdf>

⁵ http://files.hawaii.gov/dcca/reb/condo_ed/condo_gen/condo_bod/2009_CondominiumBMPandD.pdf

Testimony presented last Friday confirmed that some associations and managing agents still do not comply with existing statutory requirements.

Association-controlled portals are not a sufficient substitute. Those systems are managed by boards or management companies whose interests are not always aligned with owners seeking independent verification.

A neutral, centralized repository removes conflicts of control and preserves document integrity. For example, screenshots included in Addendum B show that a Hawaii association over a three-month period replaced all previously approved board minutes since 2019, raising legitimate owner concerns about record reliability. During that six-plus years period, the association funded multi-million-dollar capital projects by increasing maintenance fees, issued special assessments, and borrowed additional funds, while owners noticed multiple “change orders” and redundancies in projects.

Concerns raised about confidentiality and price fixing do not outweigh the benefits of structured transparency. Most association contracts are highly project-specific and not directly comparable across properties.

In broader markets, retailers openly publish prices without resulting in unlawful price fixing; transparency instead promotes competition and informed decision-making. Existing statutes already define which records must be available and which personal data elements must be redacted.

Current law expressly protects private personal information while still requiring disclosure of contracts, financial statements, and governing records. SB 2838 operates within that established framework.

Condominium owners ultimately fund these contracts and expenditures — often totaling hundreds of thousands or millions of dollars — and should be able to verify scope, pricing, and performance. Document review has, in many cases, revealed unrelated work,⁶ misaligned project scopes, or material cost differences introduced through change orders or duplicate contracting. Earlier visibility reduces financial risk and dispute escalation.

Transparency is preventive control. It deters misconduct, exposes ineffective practices, improves resource allocation, and strengthens owner trust and participation. Clear, accessible rules and records reduce ambiguity and conflict. Digitized records also protect against loss and support business continuity for associations.

This proposal is also consistent with the findings and best-practice recommendations identified in the recent study, “5 States’ Approaches to Aspects of Condominium Law,”⁷ particularly in

⁶ <https://www.civilbeat.org/2014/12/former-certified-hawaii-ceo-charged-with-14-felony-counts-of-theft/>

⁷ <https://lrb.hawaii.gov/wp-content/uploads/Five-States-Approaches-to-Aspects-of-Condominium-Law.pdf>

sections addressing owner access to association documentation and emerging governance risks.

Without dependable access to core records, owners face severe financial exposure through special assessments, loans, liens, and foreclosure risk tied to decisions they could not meaningfully review. Legislative action that standardizes access reduces that risk and reduces downstream enforcement and court costs.

Thank you again for your consideration and for your continued work on condominium governance reform. A centralized condominium document portal is a practical, overdue, and cost-effective step toward dispute prevention and accountable self-governance.

Mahalo for your time.

Respectfully,

Lila Mower

ADENDUM A: EXCERPTS FROM DCCA'S REAL ESTATE COMMISSION ANNUAL REPORTS^{8,9}

1999 page 23: New Technology Program - Administer Commission's webpage with long range plan of including all condominium information, forms, database, etc. plus online registration.

2000 page 28: New Technology Program - Administer Commission's webpage with long range plan of including all condominium information, forms, database, etc. plus online registration.

2001 page 30: New Technology Program - Administer the Commission's webpage with the long range plan of including all condominium information, forms, database, etc. plus online registration.

2002 page 39: New Technology Program - Administered Commission's webpage with long range plan of including all condominium information, forms, database, etc. plus online registration.

2003 page 39: New Technology Program - Administered Commission's webpage with long range plan of including all condominium information, forms, database, etc. plus online registration.

2004 page 41: New Technology Program - Administered Commission's webpage with long range plan of including all condominium information, forms, database, etc., plus online registration.

2005 page 40: Technology and Website - Administer the REC website with long range plan of including all condominium information, forms, database, etc. plus online registration...Study the feasibility of providing AOAOs a central depository for all governing documents, minutes, etc. via voluntary participation, including the cost of such a program.

2006 page 40: Technology and Website - Administer the REC website with long range plan of including all condominium information, forms, database, etc. plus online registration including web conferencing, and an AOAOs central depository for all governing documents, minutes, etc..

2007 page 36: Technology and Website –Administered the Commission's website with long range plan of including all condominium information, forms, database, plus online registration. Continued to study the feasibility of providing associations a central depository for all governing documents, minutes, via voluntary participation, including the cost of such.

2008 page 36: Technology and Website –The Commission continues to work towards its long range goal of providing all condominium information online; studying the feasibility of providing associations a central depository for all governing documents on the website, including minutes of association meetings.

⁸ <https://cca.hawaii.gov/reb/reports/>

⁹ https://www.capitol.hawaii.gov/sessions/session2025/bills/DC153_.pdf

These plans and goals continue throughout the intervening years through to:

2025 page 36 (first of two sections): Technology and Website - To accomplish the Commission's long-range goal of providing all condominium information online, staff continues to study the feasibility of establishing a central depository for all association governing documents on the Commission's website, including minutes of association meetings.

2025 page 41 (second of two sections): Technology and Website –The Commission will assess its long-range goal of providing all public condominium information online and the feasibility of providing associations with a central depository for all governing documents on the Commission's website, including minutes of association meetings.

ADDENDUM B

Screenshots from the Building Link website of an association showing when minutes were originally posted, then revised.

buildinglink.com/V2/Tenant/Library/Library.aspx

Document Name	Date Posted	Last Revised On
+ Annual & Organizational Meeting Minutes (15) (7 SubCategories)		
+ Annual Meeting Notices (6)		
- Board Meeting Minutes (103) (7 SubCategories)		
No Documents Found		
- 2019 (10)		
08-29-19 BOD Meeting	8/23/19	12/3/25
Minutes 10-07-19	3/9/20	12/3/25
Minutes 10-24-19	3/9/20	12/3/25
Minutes 1-15-19	7/10/19	12/3/25
Minutes 1-30-19	7/10/19	12/3/25
Minutes 3-12-19	7/10/19	12/3/25
Minutes 4-11-19	7/10/19	12/3/25
Minutes 5-29-19	10/24/19	12/3/25
Minutes 7-10-19	10/24/19	12/3/25
Minutes 8-29-19	3/9/20	12/3/25
- 2020 (21)		
01-08-20 Executive Session Minutes	3/21/20	12/16/25
01-08-20 Regular Session Minutes	3/9/20	12/16/25
02-13-20 Executive Session Minutes	6/19/20	12/16/25
02-13-20 Regular Session Minutes	6/19/20	12/16/25
03-19-20 Executive Session Minutes	6/19/20	12/16/25
04-06-20 Meeting Minutes	6/19/20	12/16/25
04-29-20 Meeting Minutes	6/19/20	12/16/25
05-13-20 Executive Session Minutes	6/19/20	12/16/25
05-13-20 Regular Session Minutes	6/19/20	12/16/25
06-01-20 Executive Session Minutes	6/19/20	12/16/25
06-17-20 Meeting Minutes	8/28/20	12/16/25
06-18-20 Executive Session Minutes	8/28/20	12/16/25
07-22-20 Meeting Minutes	10/15/20	12/16/25

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<u>No Documents Found</u>		
+ 2019 (10)		
- 2020 (21)		
01-08-20 Executive Session Minutes	3/21/20	12/16/25
01-08-20 Regular Session Minutes	3/9/20	12/16/25
02-13-20 Executive Session Minutes	6/19/20	12/16/25
02-13-20 Regular Session Minutes	6/19/20	12/16/25
03-19-20 Executive Session Minutes	6/19/20	12/16/25
04-06-20 Meeting Minutes	6/19/20	12/16/25
04-29-20 Meeting Minutes	6/19/20	12/16/25
05-13-20 Executive Session Minutes	6/19/20	12/16/25
05-13-20 Regular Session Minutes	6/19/20	12/16/25
06-01-20 Executive Session Minutes	6/19/20	12/16/25
06-17-20 Meeting Minutes	8/28/20	12/16/25
06-18-20 Executive Session Minutes	8/28/20	12/16/25
07-22-20 Meeting Minutes	10/15/20	12/16/25
09-02-20 Executive Session Minutes	10/15/20	12/16/25
09-14-20 Executive Session Minutes	10/30/20	12/16/25
09-16-20 Meeting Minutes	10/30/20	12/16/25
10-13-20 Executive Session Minutes	10/30/20	12/16/25
10-21-20 Meeting Minutes	10/30/20	12/16/25
10-28-20 Meeting Minutes	12/22/20	12/16/25
11-05-20 Meeting Minutes	12/22/20	12/16/25
12-08-20 Meeting Minutes	12/8/20	12/16/25



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- Board Meeting Minutes (103) (7 SubCategories)		
No Documents Found		
+ 2019 (10)		
+ 2020 (21)		
- 2021 (16)		
01-04-21 Executive Session Minutes	1/4/21	12/16/25
01-27-21 Executive Session Minutes	1/27/21	12/16/25
02-10-21 BOD Meeting Minutes	5/14/21	12/19/25
02-18-21 Executive Session Minutes	5/14/21	12/19/25
04-05-21 BOD Meeting Minutes	5/14/21	12/19/25
05-12-21 BOD Meeting Minutes	6/22/21	12/19/25
05-19-21 BOD Meeting Minutes	6/22/21	12/19/25
06-16-21 BOD Meeting Minutes	7/15/21	12/19/25
07-14-21 BOD Meeting Minutes	9/24/21	12/19/25
08-18-21 BOD Meeting Minutes	9/21/21	12/19/25
09-13-21 BOD Meeting Minutes	10/20/21	12/19/25
10-14-21 BOD Meeting Minutes - DRAFT	10/29/21	12/19/25
10-27-21 BOD Meeting Minutes - Accepted	11/22/21	12/19/25
10-27-21 BOD Meeting Minutes - DRAFT	10/29/21	12/19/25
11-16-21 BOD Meeting Minutes	12/15/21	12/19/25
12-14-21 BOD Meeting Minutes	1/11/22	12/19/25
- 2022 (15)		
01-10-22 BOD Meeting Minutes - Accepted	2/11/22	12/19/25
02-09-22 BOD Meeting Minutes ACCEPTED	3/9/22	12/19/25
03-07-22 BOD Meeting Minutes Accepted	5/11/22	12/19/25
04-07-22 Special BOD Meeting Minutes Accepted	5/11/22	12/19/25



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<u>No Documents Found</u>		
+ 2019 (10)		
+ 2020 (21)		
+ 2021 (16)		
- 2022 (15)		
01-10-22 BOD Meeting Minutes - Accepted	2/11/22	12/19/25
02-09-22 BOD Meeting Minutes ACCEPTED	3/9/22	12/19/25
03-07-22 BOD Meeting Minutes, Accepted	5/11/22	12/19/25
04-07-22 Special BOD Meeting Minutes, Accepted	5/11/22	12/19/25
04-25-22 Special BOD Meeting Minutes, Accepted	5/11/22	12/19/25
05-02-22 Special BOD Meeting Minutes, Accepted	5/11/22	12/19/25
05-09-22 BOD Meeting Minutes, Accepted	6/20/22	12/19/25
06-14-22 BOD Meeting Minutes, Accepted	7/21/22	12/19/25
07-14-22 BOD Meeting Minutes, Accepted	9/1/22	12/19/25
08-16-22 BOD Meeting Minutes, Accepted	9/22/22	12/19/25
09-21-22 BOD Meeting Minutes, Accepted	10/19/22	12/19/25
10-13-22 BOD Meeting Minutes, Accepted	10/19/22	12/19/25
10-19-22 BOD Meeting Minutes, Accepted	12/7/22	12/19/25
10-26-22 BOD Meeting Minutes, Accepted	12/7/22	12/19/25
12-07-22 BOD Meeting Minutes, Accepted	1/11/23	12/19/25



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+ 2020 (21)		
+ 2021 (16)		
+ 2022 (15)		
- 2023 (14)		
01-11-23 BOD Meeting Minutes, Accepted	2/24/23	12/19/25
02-22-23 BOD Meeting Minutes REVISED, Accepted	4/20/23	12/19/25
04-05-23 Special BOD Meeting Minutes, Accepted	4/20/23	12/19/25
04-11-23 BOD Meeting Minutes, Accepted	5/30/23	12/19/25
05-17-23 BOD Meeting Minutes, Accepted	7/14/23	12/19/25
06-28-23 BOD Meeting Minutes, Accepted	7/24/23	12/19/25
07-24-23 BOD Meeting Minutes, Accepted	8/28/23	12/19/25
08-14-23 Special BOD Meeting Minutes, Accepted	9/26/23	12/19/25
08-23-23 BOD Meeting Minutes, Accepted	9/26/23	12/19/25
09-08-23 Special BOD Meeting Minutes, Accepted	9/26/23	12/19/25
09-18-23 BOD Meeting Minutes, Accepted	10/31/23	12/19/25
10-25-23 BOD Meeting Minutes, Accepted	11/22/23	12/19/25
11-20-23 BOD Meeting Minutes, Accepted	1/26/24	12/19/25
12-13-23 BOD Meeting Minutes, Accepted	2/23/24	12/19/25

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+ 2021 (16)		
+ 2022 (15)		
+ 2023 (14)		
- 2024 (14)		
01-24-24 BOD Meeting Minutes, Accepted	3/27/24	12/19/25
02-28-24 BOD Meeting Minutes, Accepted	3/28/24	12/19/25
03-27-24 BOD Meeting Minutes, Accepted	4/26/24	12/19/25
04-09-24 Special BOD Meeting Minutes, Accepted	4/26/24	12/19/25
04-25-24 BOD Meeting Minutes, Accepted	7/11/24	12/19/25
05-23-24 BOD Meeting Minutes, Accepted	7/10/24	12/19/25
06-05-24 Special BOD Meeting Minutes, Accepted	7/10/24	12/19/25
06-26-24 BOD Meeting Minutes, Accepted	7/24/24	12/19/25
07-23-24 BOD Meeting Minutes, Accepted	9/4/24	12/19/25
08-26-24 BOD Meeting Minutes, Accepted	9/27/24	12/19/25
09-26-24 BOD Meeting Minutes, Accepted	10/31/24	12/19/25
10-30-24 BOD Meeting Minutes, Accepted	1/6/25	12/19/25
12-04-24 BOD Meeting Minutes, Accepted	1/16/25	12/19/25
12-18-24 Special BOD Meeting Minutes, Accepted	1/16/25	12/19/25

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+ 2021 (16)		
+ 2022 (15)		
+ 2023 (14)		
+ 2024 (14)		
- 2025 (13)		
01-09-25 BOD Meeting Minutes, Accepted	3/25/25	2/16/26
02-12-25 BOD Meeting Minutes, Accepted	3/25/25	12/19/25
03-03-25 Special BOD Meeting Minutes, Accepted	4/23/25	12/19/25
03-24-25 BOD Meeting Minutes, Accepted	4/23/25	12/19/25
04-22-25 BOD Meeting Minutes, Accepted	5/30/25	12/19/25
05-21-25 BOD Meeting Minutes, Accepted	6/17/25	12/19/25
06-16-25 BOD Meeting Minutes, Accepted	8/19/25	12/19/25
07-22-25 BOD Meeting Minutes, Accepted	8/19/25	12/19/25
08-18-25 BOD Meeting Minutes, Accepted	10/20/25	12/19/25
09-25-25 BOD Meeting Minutes, Accepted	10/27/25	12/19/25
10-23-25 BOD Meeting Minutes, Accepted	1/29/26	2/9/26
11-24-25 BOD Meeting Minutes, Accepted	1/29/26	2/9/26
12-05-25 BOD Meeting Minutes, Accepted	1/29/26	2/9/26