



**HAWAII STATE ASSOCIATION OF PARLIAMENTARIANS
LEGISLATIVE COMMITTEE
P. O. Box 29213
HONOLULU, HAWAII 96820-1613
E-MAIL: STEVEGHI@GMAIL.COM**

March 9, 2020

Honorable Senator Rosalyn H. Baker, Chair
Honorable Senator Stanley Chang, Vice-Chair
Senate Committee on Commerce, Consumer Protection, and Health (CPH)
Hawaii State Capitol, Room 230
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony in SUPPORT OF HB2562 HD2; Hearing Date: March 11, 2020 at 9:30 a.m. Senate conference room 229; sent via Internet

Aloha Chair Baker, Vice-Chair Chang, and Committee members,

Thank you for the opportunity to provide testimony on this bill. I have a prior obligation and may not be at the hearing in time to provide verbal testimony.

The Hawaii State Association of Parliamentarians ("HSAP") has been providing professional parliamentary expertise to Hawaii since 1964.

I am the chair of the HSAP Legislative Committee. I'm also an experienced Professional Registered Parliamentarian who has worked with condominium and community associations every year since I began my parliamentary practice in 1983 (more than 1,800 meetings in 37 years). I was also a member of the Blue Ribbon Recodification Advisory Committee that presented the recodification of Chapter 514B to the legislature in 2004.

This testimony is provided as part of HSAP's effort to assist the community based upon our collective experiences with the governing documents and meetings of numerous condominiums, cooperatives, and Planned Community Associations.

This testimony is presented in **SUPPORT OF HB2562 HD2.**

Summary of Bill:

HB2562 HD2 proposes to clarify the resignation process for board members in Planned Community Associations (PCAs) and condominiums and clarify the filling of vacancies by the Board.

A brief summary of the changes is provided on the next page.

HD2 Section 1:

This section clarifies the process for resigning from the board of a Planned Community Association and permits resignation at a future date, similar to that provided for nonprofit corporations in HRS §414D-137(b).

This section also clarifies that the board's authority to fill vacancies in a Planned Community Association board of directors is limited to the next annual or duly called special meeting, matching the current restrictions in the Condominium Property Act (Chapter 514B).

HD2 Section 2:

This section clarifies the process for resigning from the board of a Condominium Association and permits resignation at a future date, similar to that provided for nonprofit corporations in HRS §414D-137(b).

We request that you pass the bill.

If you require any additional information, your call is most welcome. I may be contacted via phone: 423-6766 or through e-mail: Steveghi@Gmail.com. Thank you for the opportunity to present this testimony.

Sincerely,

Steve Glanstein

Steve Glanstein, Professional Registered Parliamentarian
Chair, HSAP Legislative Committee

SG:tbs



March 9, 2020

VIA WEB TRANSMITTAL

Hearing Date: Wednesday, March 11, 2020

Time: 9:30 a.m.

Place: Conference Room 229

COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
THE SENATE, THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

Re: Community Associations Institute's **Testimony in support of HB 2562**

Dear Chair Baker, Vice Chair Chang and Committee members:

I am a member of the Hawaii Chapter of the Community Associations Institute Legislative Action Committee ("CAI"). We represent the condominium and community association industry, we submit this testimony in support of HB 2562, HD 2, and we respectfully submit that HB 2562, HD 2 should be passed out of Committee. Thank you for your time and consideration.

Sincerely yours,

/s/ R. Laree McGuire

R Laree McGuire

CAI LAC Hawaii

HB-2562-HD-2

Submitted on: 3/8/2020 3:43:44 PM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|------------------------|---------------------------|---------------------------|
| Richard Emery | Testifying for Associa | Support | No |

Comments:

We support the Bill.

CASE LOMBARDI & PETTIT

A LAW CORPORATION

Lissa H. Andrews
David G. Brittin
Lisa K. Broulik
Michelle J. Chapman
James M. Cribley
Stacey W.E. Foy
Adelbert Green
Michael L. Lam

Dennis M. Lombardi†
Michael R. Marsh
Jon M.H. Pang
Ted N. Pettit, Ph.D.
Lauren R. Sharkey
Mark G. Valencia
Nancy J. Youngren
John D. Zalewski

† A Law Corporation
Daniel H. Case (1925-2016)

PACIFIC GUARDIAN CENTER, MAUKA TOWER
737 BISHOP STREET, SUITE 2600
HONOLULU, HAWAII 96813-3283

TELEPHONE: (808) 547-5400
FACSIMILE: (808) 523-1888
E-mail: info@caselombardi.com
<http://www.caselombardi.com>

Matthew A. Cohen
Mark J. Driessen
Harrison K. Goo
Jana M. Naruse

Ellen A. Swick
Stephanie M. Teece
Steven E. Tom

Maria Amparo Vanaclocha Berti

Of Counsel
John R. Dwyer, Jr.
Gregory M. Hansen
Frederick W. Rohlffing III

March 10, 2020

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Senate Committee on Commerce, Consumer Protection, and Health
Senate, 30th Legislature, Regular Session of 2020
Hawaii State Capital
415 South Beretania Street
Honolulu Hawaii 96813

Re: **Testimony in SUPPORT OF HB2562, H.D. 2**
Hearing: 9:30 am, March 11, 2020

Dear Chairperson Baker, Vice-Chair Chang and Committee members:

Thank you for the opportunity to provide testimony on this bill.

Case Lombardi & Pettit has provided housing and community development expertise in Hawaii for over 150 years.

We support the passage of HB 2562, H.D. 2.

We are happy to provide the Committee with additional information. Please contact the undersigned at (808) 547-5400 with any request.

Very truly yours,

CASE LOMBARDI & PETTIT



Dennis M. Lombardi

HB-2562-HD-2

Submitted on: 3/9/2020 11:49:35 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Mark McKellar | Testifying for Law Offices of Mark K. McKellar, LLLC | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Mark McKellar

HB-2562-HD-2

Submitted on: 3/10/2020 9:42:05 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------------|---------------------|---------------------------|---------------------------|
| Paul A. Ireland Kofitnow | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Paul A. Ireland Kofitnow

HB-2562-HD-2

Submitted on: 3/8/2020 9:35:34 PM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jeff Sadino | Individual | Oppose | No |

Comments:

Chair Baker, Vice Chair Chang, and Members of the Committee,

I **OPPOSE** HB 2562 HD 2 relating to COMMON INTEREST COMMUNITIES in its **CURRENT** form.

I would **SUPPORT** this Bill if Section 2 relating to HRS 514B, (1) were amended so that the notice of resignation must be signed and (3) so that a Board Member can resign only through Writing and not simply Orally.

§514B- Board; resignation. A member of the board of directors may resign from the board at any time by:

1. Delivering a **signed** written notice of resignation to the association's property manager, board of directors, president, or secretary;
1. Communicating the notice of resignation by electronic mail to the association's property manager, board of directors, president, or secretary at the electronic mailing address designated in writing by the person receiving the electronic mail; or
1. Providing notice during a meeting ~~orally or~~ in writing.

A Board whose majority habitually disagrees with one Board Member could simply state the Board Member gave their resignation Orally and there would be no way to prove otherwise. A written statement of resignation signed by the resigning Board Member is not an unreasonable burden on the Board Member and would provide a written paper trail that would protect the Board member.

Thank you for the opportunity to testify,

Jeff Sadino

HB-2562-HD-2

Submitted on: 3/9/2020 10:11:08 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Anne Anderson | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

M. Anne Anderson

HB-2562-HD-2

Submitted on: 3/9/2020 10:19:31 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Julie Wassel | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Julie Wassel

HB-2562-HD-2

Submitted on: 3/9/2020 10:27:54 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| mary freeman | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

1. support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Mary Freeman

Ewa Beach

HB-2562-HD-2

Submitted on: 3/9/2020 2:29:59 PM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| lynne matusow | Individual | Support | No |

Comments:

As a condo owner and board member, I fully support the language in H.D. 2.

lynne matusow

HB-2562-HD-2

Submitted on: 3/9/2020 3:35:09 PM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bradford Lee Hair | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Bradford Lee Hair

HB-2562-HD-2

Submitted on: 3/9/2020 6:28:21 PM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dante Carpenter | Individual | Support | No |

Comments:

Chair Sen. Baker, Vice-Chair Sen. Stanley Chang and Members of the CPH Committee:

I am herewith sending my support of this measure regarding the acceptable methods of resignation by members of Boards of Directors for Condominium Associations. The Bill clearly articulates the process or processes depending on the individual's status at the time of notification. I have been a member of the Board at Country Club Village, Phase 2, with 469 Units in 2 - Hi-Rise Bldgs for over 20 years and have witnessed all the methods described in the Bill.

Respectfully submitted,

Dante Carpenter

Director, CCV2AOAO

HB-2562-HD-2

Submitted on: 3/10/2020 9:04:49 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lance S. Fujisaki | Individual | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Lance Fujisaki

HB-2562-HD-2

Submitted on: 3/10/2020 9:34:35 AM

Testimony for CPH on 3/11/2020 9:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------------|---------------------------|---------------------------|
| Laurence Sussman | Testifying for Steve Glanstein | Support | No |

Comments:

Dear Sen. Baker, Chair, Sen. Chang, Vice Chair, and Members of the Committee:

I support H.B. 2562, H.D.2 and urge the committee to adopt it as drafted.

Respectfully submitted,

Laurence E. Sussman

General Manager Villages of Kapolei Association