

STAND. COM. REP. NO.

572

Honolulu, Hawaii

February 17, 2017

RE: H.B. No. 192

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 192 entitled:

"A BILL FOR AN ACT RELATING TO HOMEOWNERS' ASSOCIATIONS,"

begs leave to report as follows:

The purpose of this measure is to increase consumer protections for members of homeowners associations by expanding the Hawaii's planned community associations law to include homeowners' associations.

The Hawaii Chapter of the Community Associations Institute Legislative Action Committee, Hui 'Oia'i'o, and several concerned individuals testified in support of this measure. Orchidland Community Association provided comments.

Your Committee understands that certain subdivisions do not fit into the definition of a planned community and the homeowners' associations in these subdivisions remain unregulated and lack access to cost-effective dispute resolution mechanisms. However, your Committee has concerns regarding this measure including how expanding the definition of "association" to include "homeowner's associations" helps members of those subdivision associations access mediation services, whether this measure will have further implications to Chapter 421J, Hawaii Revised Statutes, and if there are other relevant mediation services available to members

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of these subdivisions other than those contained in Chapter 421J. Nevertheless, your Committee finds that this measure warrants further discussion and respectfully requests your Committee on Judiciary to examine these issues further should it consider this measure further.

Your Committee has amended this measure by changing its effective date to July 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 192, H.D. 1, and be referred to your Committee on Judiciary.

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



ANGUS L.K. MCKELVEY, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 192	Committee Referral: CPC JUD	Date: 2/15/17		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. ITO, Ken	✓			
5. SAY, Calvin K.Y.		✓		
6. TAKAYAMA, Gregg	✓			
7. TODD, Chris	✓			
8. YAMANE, Ryan I.				✓
9. FUKUMOTO, Beth	✓			
TOTAL (9)	6	1	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
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