

STAND. COM. REP. NO.

1747

Honolulu, Hawaii

APR 02

, 2025

RE: S.B. No. 385
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 385, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to require condominium associations to provide copies of their governing documents to owners or their authorized agents, upon request, in print or electronic form at no cost.

Your Committee received testimony in support of this measure from the Palehua Townhouse Association; Hawai'i Association of REALTORS; Mortgage Bankers Association of Hawaii; and eight individuals. Your Committee received testimony in opposition to this measure from Hawaii First Realty and one individual. Your Committee received comments on this measure from the Honolulu Tower AOA and seven individuals.

Your Committee finds that the existing condominium law is based upon the principles of self-governance, owner enforcement, alternative dispute resolution, and limited government intervention. Your Committee further finds that the capacity of condominium owners to effectively govern themselves and enforce the covenants, conditions, and restrictions of their condominiums



is dependent upon the owners' access to the governing documents. Existing law already authorizes access to governing documents at a reasonable fee. This measure further opens access to those essential documents by making access free.

Your Committee has amended this measure by:

- (1) Requiring electronic copies of the condominium association's governing documents, rather than both paper and electronic copies, to be provided at no cost upon request of the unit owner or the unit owner's authorized agent;
- (2) Clarifying that the access to governing documents includes when the documents are restated, as well as amended;
- (3) Inserting a definition of "governing documents" to mean the declaration; bylaws; covenants, conditions, and restrictions; and house rules;
- (4) Limiting the existing authority to charge a reasonable fee for copies of association documents to be only for duplication, postage, and stationery;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 385, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 385, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.



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



SCOT Z. MATAYOSHI, Chair



