

## Disclaimer

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Board of Directors, Viewers of Condo Insider & or Readers should consult with their own attorney, or other industry related professional if they are seeking or are in need of professional advice.

Professional advice may depend upon the actual facts, circumstances, and situations, as well as the requirements of applicable laws, statutes, ordinances, rules and codes and the governing documents of the specific Condo project or property.

1

# Welcome to the HCCA Annual Law Update 2021

A few things to know...

- Everyone will be muted
- **Ask your questions via the CHAT**
- **Handouts are available for download in the handout section**
- At the conclusion is a very brief survey (anonymous). We ask all to complete the survey. Mahalo for the honor of your time.

### Your Speakers:

**Jane Sugimura** – President, Hawaii Council of Community Associations

**Lorie Sides** – Condominium Education Specialist, Real Estate Branch, Professional & Vocational Licensing Division, Department of Commerce and Consumer Affairs

**Marilyn Moku** – Volunteer Coordinator, Catholic Charities Hawaii

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2

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CATHOLIC CHARITIES  
HAWAII

# Phone-A-Friend Project

Lyn Moku  
Program Volunteer Coordinator  
May 20, 2021

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3

## About Catholic Charities Hawai'i

- Catholic Charities Hawai'i (CCH) is a private, nonprofit social services agency.
- Established in Hawai'i in 1947 as a Catholic Social Services by the Maryknoll Sisters.
- Became known as Catholic Charities Hawai'i in 2001.

4

4

## Our Mission

*Catholic Charities Hawai'i, rooted in the gospel of Jesus,  
exists to carry out the social mission of the church by  
**serving the people of Hawai'i regardless of faith or culture***

5

5

## Four (4) Program Divisions

1. **Community & Senior Services**
2. Family & Therapeutic Services
3. Housing Assistance & Referral Programs
4. Youth Enrichment Services

6

6

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## What is the Phone-A-Friend Project?

The project's goal is to

- **help prevent isolation**
- **decrease loneliness** and
- **provide a safety check** for isolated, homebound seniors

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7

## How Phone-A-Friend Helps

Provides **regularly scheduled phone calls** for **seniors who live alone or are socially isolated**

and have little or no contact with people outside their home

8

8

## Phone-A-Friend Eligibility Requirements

- Age 65 and older, are socially isolated, and
- Lives alone on Oahu or is socially isolated
- Have a temporary or permanent health condition that prevents them from participating in activities outside their home
- Would enjoy speaking with someone on a regular basis
- Would benefit from regularly scheduled calls
- Able to use a phone...be home to accept scheduled calls from the Phone-A-Friend volunteer and *wants to speak with the volunteer*

9

9

## Effects of Isolation

**Prolonged isolation can be as bad for your health  
as smoking 15 cigarettes a day**

10

10

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## Loneliness and Being Alone

It's possible to feel lonely while among other people...and you can be alone yet not feel lonely

“The most widely-accepted definition of loneliness is “a unique condition in which individuals perceive themselves to be socially isolated even when among other people.”

<https://harvardpolitics.com/covers/isolation/the-neurology-of-loneliness/> The Neurology of Loneliness, August 2020

11

11

## Loneliness – its effect on a senior's health

### Negative Health Effects of Isolation and Loneliness Associated with higher rates of:

- Chronic health conditions, including heart disease
- Weakened immune system
- Depression and anxiety
- Dementia, including Alzheimer's disease
- Admission to nursing homes and use of emergency services
- Death

*“Social Disconnectedness, Perceived Isolation and Health among Older Adults,” Journal of Health and Social Behavior (2009)*

12

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## How to Access Phone-A-Friend

### Call Senior Services Intake Line

**527-4777**

13

13

## What is the Memory Mentor Program?

The goals of the program are to

- help people with memory loss and dementias live safely and independently for as long as possible and
- to prevent isolation and decrease loneliness

Memory Mentor volunteers are trained to provide support for people with memory loss or dementia who live alone and/or have little or no caregiving support

14

14

## Memory Mentor Eligibility Requirements

- Lives alone on Oahu and receives little or no caregiving support
- Shows symptoms of memory loss, confusion or dementia, or have a diagnosis of dementia
- Would benefit from volunteer help
- Would enjoy having someone to talk with and relieving social isolation
- Must want to participate in the program

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15

## Gearing Up for Memory Mentor Services

Due to COVID-19 and until CCH mandates for in-person services are lifted

- **Telephone services are available at this time**
  - **Regularly scheduled phone calls,**
  - **Help preparing shopping lists**
  - **Providing reminders and safety checks**
- CCH is updating the Memory Mentor Program to phase in in-person services such as in-home visits, help with mail, grocery shopping and light meal preparation

16

16



## CCH is Currently Recruiting Participants & Memory Mentor Volunteers

If you know people who could benefit from receiving  
Memory Mentor services – or people who may be interested  
in becoming a Mentor Volunteer, please ask them to call

**Senior Services Intake Line**

**527-4777**

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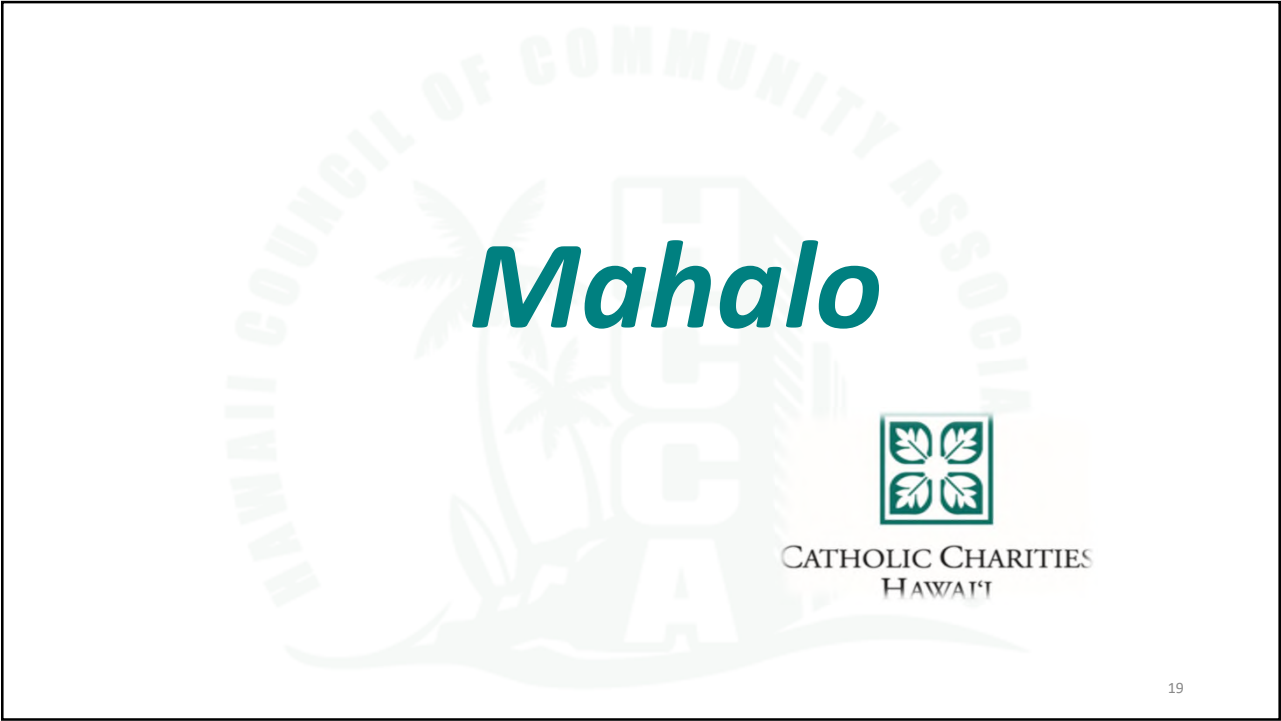
17

## Questions?



18

18



19



20

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## The meaning of HRS 514B – 125 (a)

**§514B-125 Board meetings.** (a) All meetings of the board, other than executive sessions, shall be open to all members of the association, and association members who are not on the board shall be permitted to participate in any deliberation or discussion, other than executive sessions, pursuant to owner participation rules adopted by the board.

Real Estate branch reports, this is a frequent consumer/Condo homeowner complaint into the Condo section of DCCA.

21

### What does this statute mean?

“shall be open to all members of the association, and association members who are not on the board shall be permitted to participate in any deliberation or discussion, other than executive sessions,”

- All owners of the association shall be allowed to participate in any discussions. Does not include executive session.
- No email discussions between board meetings
- No email discussions with a decision made and ratified at the next meeting
- Applies to all, including Managing Agents, Attorney, vendors, Condo Management and staff.

22

## Remind each other of the statute!



If you receive an email asking you to make a decision via email, respond by sending a gentle reminder of the need to comply with HRS 514B – 125(a).

EXAMPLE: “This decision must be addressed and discussed/deliberated at the next scheduled board meeting and not via this email communication, pursuant to HRS 514B – 125(a)”.

23

## How is a board to set a date and or time for the next board meeting?

Establishing the date, time and place for the next board meeting is often done at the end of a board meeting; however, these decisions are ministerial in nature and thus, can be addressed in an email among the board members and the property manager. That being said, the email should not also seek to address any substantive issues that are required to be addressed at a board meeting pursuant to HRS 514B-125(a)

Example: The board is meeting on Tuesday, March 16, 2021.  
Prior to the conclusion of this meeting the next meeting date should be scheduled.  
Include it as an agenda item.

OR

Establish the dates in advance.  
Example: 3<sup>rd</sup> Tuesday of each month.

The date of the month should take into consideration with the managing agent and if they will be able to provide the previous months financials for board discussion.

OR

Via email.  
Be very clear, in the subject line and email that it is only for the arranging of the next board meeting date and time.

24

Can the Managing Agent communicate via email or verbally with the Board President prior to a Board meeting as to the Meeting Agenda items?

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Typically, yes, as the Board President is considered the Chief Executive Officer and has whatever authority is given the President in the Governing Documents, he or she may work with the property manager to establish the agenda for the next meeting.



25

We have an Owner's forum at the end of each meeting, does that satisfy the deliberation/discussion requirement in HRS 514B – 125 (a)?

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An "owners forum" does not satisfy the statutory mandate as owners can address any agenda item. Corraling them into one small time period is not access to deliberation or discussion.

Setting short time period such as an owner's forum, is not access to deliberation or discussion.



26

Why is voting via e-mail (regardless of a set time for the Board to vote) and without owners' input or notification may not a wise decision or is it legally acceptable?

§49:16 states:

49:16 Under the general parliamentary law, business is transacted in large boards according to the same rules of procedure as in other deliberative assemblies. In smaller boards, these rules apply as far as practicable, with the exceptions noted below. In any case, a board can transact business only in a regular or properly called meeting of which every board member has been sent any required notice (see 9:2-5, 9:13-16)—or at an adjournment of one of these meetings<sup>2</sup>—and at which a quorum (see 40:5) is present. The personal approval of a proposed action obtained separately by telephone, by individual interviews, or in writing, even from every member of the board, is not the approval of the board, since the members lacked the opportunity to mutually debate and decide the matter as a deliberative body. (See also *Electronic Meetings*, 9:30-36.)

Unanimous consent by directors has been used to approve action when authorized by state law or the bylaws. THIS WILL REQUIRE LEGAL DISCUSSION

Can an Owner contest a vote done outside of a board meeting?

27



## The pluses....

- Board business is strictly at board meetings.
- Arrive home after a day of work and have a peaceful after work time.
- Less emails to check
- Discussions are during board meetings – no 2<sup>nd</sup> or 3<sup>rd</sup> party conversations
- Encourages homeowner participation in Board meetings
- Eliminate misunderstandings
- Less stress

28

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If a Property Manager or Attorney emails the Board President and or the Property Manager for a board decision, even if the subject matter would be something discussed in executive session, can the decision be made and ratified at the next board meeting?

The answer is “NO”, while property managers are not board members, they should not be asking the board members to discuss or deliberate on association business outside of a board meeting; pursuant to HRS 514B-125(a), board members are prohibited from discussing association business (other than ministerial administrative matters) with anyone, including other board members, outside of a board meeting.

**Example Response to email:**

... this subject matter will be added to the Board Meeting Agenda scheduled for [inset date].

By including the board’s next scheduled meeting date, it will allow the attorney to put this information/date into his/her calendar for subsequent follow up.

The above verbiage can be used for AOOU vendor contractor responses, too.

29



## What does this mean for the RM/GM or Site Manager?

- Less individual board member discussions after or between board meetings = less confusion or he said, she said.
- Projects need to be planned out with A or B plans/options
- Recap discussions
- Recap decisions
- Direction/Clarity (everyone needs to be on the same page)
- Less stress!



30

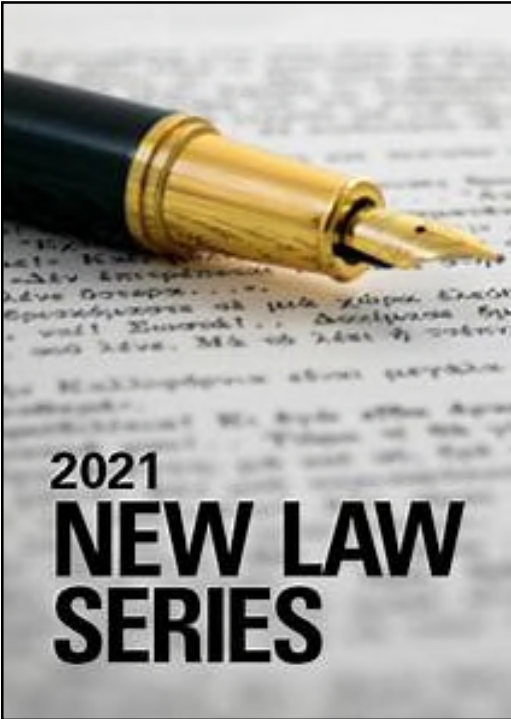
## 2021 New Laws for Condo's Hawaii State Legislature

As of May 2021: with Governor Ige for signature

**HB599/SB784:** Clarifies that planned community associations may conduct annual and special or regular meetings remotely consistent with the Hawaii Nonprofit Corporations Act. Authorizes condominium associations to conduct electronic meetings and electronic, machine, or mail voting. Effective 1/1/2022 or upon passing. (SD1) As of the date of this writing, the effective date is undecided.

Meeting Notice: to be posted 72 hours prior to the meeting.  
Include your link, **HOWEVER**, you need to be able to provide an electronic version upon request.  
Manually typing in the link does not always work.

31



## 2021 NEW LAW SERIES

**HB305/SB329:** Shortens the notice period from sixty (60) days to thirty (30) days for a board to sell, store, donate, or dispose of personalty when the identity and address of the owner is known.

Removes the publication requirement and permits the board of directors of a condominium association to proceed directly to the sale, storage, donation, or disposal of personalty that has been abandoned in or on the common elements of a condominium when the identity or address of the owner is unknown. Effective 1/1/2050. (HD1)

32





As of May 2021: in conference committee

HB381/SB 280: Fair Housing reasonable accommodations

Codifies the administrative rule definition of "assistance animal". Permits an owner or person engaged in a real estate transaction to request verification if the disability-related need for an assistance animal is not readily apparent.

Specifies that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal. Effective 11/1/21. (SD2)

2021  
NEW LAW  
SERIES

33

RFSAC

Bill 75 (2020)

HONOLULU FIRE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

638 South Street  
Honolulu, Hawaii 96813-5007  
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL  
MAYOR

MANUEL P. NEVES  
FIRE CHIEF

LIONEL CAMARA JR.  
DEPUTY FIRE CHIEF

October 5, 2020

20OCT06 AM 10:14 CITY CLERK

The Honorable Ann Kobayashi  
Chair and Presiding Officer  
And Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Councilmember Kobayashi and Councilmembers:

SUBJECT: Bill 75 (2020) Relating to Fire Safety


The Honolulu Fire Department (HFD) offers the following testimony to Bill 75:


1. The HFD opposes the extension of the building fire and life safety evaluation (LSE) submittal deadline from three to four years. The HFD will consider timeline extensions, on a case-by-case basis, for LSEs that have started or are in the process of being completed. Requests for timeline extensions are to be made via a written letter to the Fire Chief.
2. The HFD does not oppose the extension of the other various deadlines established by Ordinance 18-14 and Ordinance 19-4 by one year.
3. The HFD continues to provide for additional clarity through training opportunities for both licensed design professionals and building management.

34

Questions?

Please enter into the CHAT





35