



WORKING TOGETHER TO HELP OTHERS

PLEASE JOIN US FOR LUNCH

Monday September 25, 2017, 11:30 a.m. to 1:00 p.m.

Miyama Main Hall, Harris United Methodist Church, Nuuanu Ave. & South Vineyard Blvd.

Ample parking—driveway off Nuuanu Ave.

TOPIC: Rep. John Mizuno, Chair of the newly created House Committee on Health and Human Services. Representative Mizuno will chair this important committee that covers a wide range of health and human service issues.

On Rep. Mizuno's agenda will be Ensuring Consumer Protection for Vulnerable Seniors, Preparing for possible Federal cuts in funds to Hawaii, Listening to the issues and priorities of senior advocates, and answering our questions. Find out about the current efforts to prevent existing licensed care homes from dropping their licenses and thus operating beyond the State's authority to protect residents.

Agenda:

11:30 Luncheon: Various Pizzas, Salad, and Dessert—\$5.00 Donation

11:45 Welcome, Introductions and Remarks, Jim Shon, Interim President

12:00 Rep. Mizuno remarks and Q&A. 1:00 Adjourn

Notes from August 28 Meeting on Abuse of Seniors in Condominiums

Representative Matt LoPresti, and property rights advocates John White, Sr., Lourdes Scheibert, and Kate Paine spoke about their experiences and frustrations of being condo owners, board members, and construction experts at the mercy of condo management firms.

As many as 35% of all households in Hawaii reside in condominiums and virtually all future housing developments in any form will be a managed community.

While most think that a condominium is a vertical community, it can be a community of houses. A condo is a community with shared common areas that is supposed to function in a more or less democratic way, in accordance with state law. Theoretically, the condo is managed by a Board of

Directors elected by the owners, some of whom may not even be living in the building. Over the years, advocates of residents have had to seek amendments to the law to allow residents to attend their condo board meetings, or to examine meeting minutes, association records & documents, including financial statements, and election records.

Although a condo governing board may have knowledgeable members, many condo owners do not have the time or the interest to be fully engaged in the complex financial and maintenance issues and those owners who do show an interest are often treated skeptically by boards and management companies.

Typically, a board will contract with a management firm to provide professional advice or guidance. A major problem is that only one individual, the Principal Broker, in each of these management firms is licensed and directly responsible for as many as 600 associations. Their employees who directly manage these associations are not required to be licensed but manage thousands of homes and millions of dollars of individual association assets. They are also not required to satisfy any educational standards. Thus, they may not have the knowledge or the competence needed to adequately serve the residents and owners. They can become very powerful, and with minimal transparency or accountability, it is difficult to ensure that they are operating a condo in the interests of the residents and owners. See <http://www.staradvertiser.com/2016/02/08/editorial/island-voices/legislation-needed-to-rein-in-abusive-condo-associations>.

Kokua Council's interest in particular is that many seniors live in condos and are at the mercy of an industry of unlicensed individuals that essentially control, and sometimes intimidate, the residents. Seniors who are on fixed incomes may not be able to pay for certain upgrades or improvements, and suffer the consequences of incompetence of poor planning that trigger mandatory unplanned monthly expense increases. See <http://www.civilbeat.org/2017/01/do-condo-owners-need-some-help-from-hawaiis-legislature>.

The power and influence of management organizations is growing as several tend to dominate the condo world and exert great influence to block legislative reforms. See <http://www.staradvertiser.com/2016/02/08/editorial/island-voices/legislation-needed-to-rein-in-abusive-condo-associations> and <http://www.hawaiinewsnow.com/story/29254397/exclusive-developer-dirty-tricks-alleged>.

In short, this is a story of powerful economic corporations seizing control over what was supposed to be a residential community's democratic rights, and the protection of the financially vulnerable.

Slip Sliding Away

Recently there has been a disturbing trend of licensed facilities, where the State has authority to regulate the quality of operations and care, deciding to drop out and become unlicensed. In a recent Civil Beat article, reporter Nathan Eagle wrote:

“It’s difficult, if not impossible, to know just how many care facilities may be operating under the radar. Several care home operators estimated there were dozens on Oahu alone, and a state lawmaker who works closely with the industry, Rep. John Mizuno, said a conservative estimate would be as many as 200 statewide.”

According to those familiar with the issue, current state law may not be strong enough to withstand efforts to force the unlicensed to become regulated. The Attorney General and his staff is apparently working on language that would not only allow for stricter enforcement, but also successfully stand up to a legal challenge.

In 2017, a bill was introduced, H.B. 833, but it did not have a public hearing. The bill would have required licensing of not only Adult Residential Care Homes, but also “any adult family boarding home or private home providing health care to elderly or disabled individuals who are unrelated to the caregiver family by blood, marriage, or adoption...”

The bill also proposed stiffer penalties. However, it is thought that this language needs improvement to accomplish the goal.

This issue, as well as others, is among the initiatives planned by Rep. Mizuno, who will be discussing this and other items at our upcoming meeting.

Update on the Kokua Council Law Suit

To summarize some of the most important issues:

1. Most services and residential facilities for seniors are not provided directly by the State. It is essentially a private sector delivery system. This means that to protect the most vulnerable of seniors, the State’s role is to regulate this private sector to ensure a high level and quality of care.
2. If residents of these care homes and other facilities are poor, they may be paid from the Federal Medicaid program. Medicaid does have strong regulations.
3. Typically, facilities may have both private pay residents and Medicaid supported residents. If a facility is not Medicaid, the sole responsibility for oversight is with the State of Hawaii.
4. The way the State ensures quality of care is to visit the facility, inspect how it is operating and treating its residents, posts the reports on the Internet, and require deficiencies be corrected.
5. When a loved one leaves a hospital and cannot go home, the family is faced with a desperate challenge to find a community based private facility. To do this, they can go to the Internet and look at the inspection reports.
6. Unfortunately, the reason for our lawsuit, many reports are not posted within five days as required, and when they are posted, the Department of Health often blackens out (redacts) many of the findings. The reason given is not to reveal the personal identity of the residents. Many have concluded they have gone overboard, and the posted reports are virtually useless.
7. Thus, the main issues are how soon to post the findings of the inspection visits, and what, if anything, must be edited (blackened out) to respect privacy.
8. The final briefs have been filed. We await the ruling of the court.
9. So far, as a result of our lawsuit, the Department of Health has revised and improved its internal written policy on what and how to redact.



Kokua Council for Senior Citizens of Hawaii Education Fund, Inc.
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<http://www.kokuacouncil.org>

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WORKING TOGETHER TO HELP OTHERS

Kokua Council Windward
Thursday, October 12th 12:30-1:30 pm
 Pohai Nani, 2nd Floor Club Room

Who Are We?

The **Kokua Council** is one of Hawaii’s oldest advocacy groups. There is a \$10.00 annual membership to defray printing and postage costs. At each meeting, topical issues are presented for discussion and possible action. We embrace diversity and extend a special invitation to any senior or intergenerational minded individual interested in advocating for these important issues in Hawaii.” All are welcome. **WHEN:** 4th Monday of every month, 11:30 a.m. to 1:00 p.m. **WHERE:** Harris United Methodist Church @ Nuuanu & South Vineyard Blvd., Ample parking and a light lunch are provided for \$5.00 Donation. **REACH US:** c/o Harris United Methodist Church, 20 South Vineyard Blvd, Honolulu, Hawaii 96813

Mission: “Kokua Council advocates and seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. “

YOUR 2017 OFFICERS AND BOARD MEMBERS

Board and attending community members elected the 2017 Kokua Council Officers and Board Members. Officers: President – OPEN; Vice President (& acting President) - Jim Shon, 282-1509; Secretary – Lyn Moku; Treasurer – Barbara Service, 732-3688 Board Members: Charles Carole; T. J. Davies, tjdavies@juno.com ; Larry Geller, 540-1928; Phyllis Hiramatsu, Tony Lenzer, Lila Mower, Marilyn Seely, Barbara Service, Helen Wagner. Emeritus: Sam Cox, Laura Manis, Richard Miller.

Website: www.kokuacouncil.org

JOIN KOKUA COUNCIL!

Yes! I want to join Kokua Council. Here are my annual dues and my contact information. I understand that my phone number will be added to the Kokua Phone Tree and I will receive the monthly newsletter and occasional e-mails. Our fiscal year starts in January. Please make checks payable to **Kokua Council**.

Individual Member __ \$10.00 **Life Member** __ \$100.00 **Organizational Member** __ \$25.00

Donations: 501c(4) Advocacy _____ Education Fund: 501c(3) _____ (Tax Deductible) Date _____

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Mail to: Treasurer, Kokua Council, Harris United Methodist Church, 20 So. Vineyard Blvd, Honolulu, HI 96813