



WORKING TOGETHER TO HELP OTHERS

**PLEASE JOIN US FOR LUNCH
EVERY FOURTH MONDAY at 11:30 a.m. to 1:00 p.m.**

**Miyama Main Hall, Harris United Methodist Church,
Nuuanu Ave. and South Vineyard Blvd. Ample free parking—driveway off Nuuanu Ave.**

Monday, September 24, 2018, in Honolulu

Consumer Protection, Averting Homelessness, and Other Challenges for Seniors in Condos

Featuring

**Benedyne Stone, Condo Specialist, DCCA Real Estate Branch,
Daria Loy-Goto, DCCA Regulated Industries Complaints Office,
Lourdes Scheibert, condo owner/board member/owners' advocate,
and Ryan Robertson, Manager, Atlas Insurance Agency**

Kokua Council Windward

Thursday, September 20, 2018

(Meetings now held on the third Thursday of every month)

12:30-1:30 p.m. Pohai Nani, 2nd Floor Club Room

The Sad State of Incarceration in Hawaii in 2018 and what WE can do about it!

**with Kat Brady, Coordinator, Community Alliance on Prisons (CAP)
CAP works to develop effective interventions for Hawai'i's offenders and
to improve the quality of justice in Hawai'i.**

Consumer Protection, Averting Homelessness, and Other Challenges for Seniors in Condos

CONSUMER PROTECTION: A recently enacted State law, LY2018 Act 195, which protects condo owners by ensuring a near resemblance to Constitutional due process, has garnered the consternation and challenge of some attorneys whose main business is association law and of some condo management companies.

Act 195 is partially summarized, rather confusingly, on the State of Hawaii Capitol's webpage as:

Establishes procedures that provide condominium owners with the right to submit disputed legal fees, penalties or fines, late fees, lien filing fees, or other charges, except for common expense assessments, to the mediation process prior to payment.

Before this law, Hawaii's condo owners were subjected to a law which was simplified as "pay first, dispute later", they had to pay the amount owed in full first before disputing any assessment. And, in the past, when condo owners paid disputed nonessential assessments (those described in the Capitol's summary that are not "common expense assessments") charged to them by their associations, some owners were not provided the opportunity to contest these charges because their associations refused to mediate, having already received the funds that they were seeking.

Act 195 still requires owners to pay all common expense assessments (aka "maintenance fees") but allows owners the opportunity to dispute nonessential assessments before having to pay for them (similar to how one may challenge a traffic violation charge before culpability is determined and fines are collected). If mediation is requested, then the association must cease collection and further accrual of these nonessential charges and must participate in mediation within 60 days.

Unfortunately, as a legislative compromise, Act 195 was amended to sunset (cease) on June 30, 2020. Instead of allowing that sunset, condo owners must ensure that the Hawaii State Legislature extends this law which protects condo owners.

Williamson B.C. Chang, professor of Law at the University of Hawaii at Manoa once said, "What if in a criminal proceeding the judge first pronounced the defendant guilty, then held a trial, telling the defendant, who was now presumed guilty, that it would be he, the defendant, who must prove his innocence?" His example is analogous to the prior "pay first, dispute later" policy which some association attorneys and condo managers want to revive by rescinding or allowing Act 195 to sunset. Rescission or the sunset of Act 195 would end condo owners' right to Constitution-like due process.

*Thank you for understanding our decision
to cancel the August 27th meeting due to the uncertainties of Hurricane Lane.
We sincerely apologize to those
we could not reach in advance to notify of this cancellation.
We are grateful that our featured speakers allowed us to postpone them to this month.*

The Sad State of Incarceration in Hawaii in 2018 and what WE can do about it!

with **Kat Brady, Coordinator, Community Alliance on Prisons (CAP)**
speaking at Pohai Nani on September 20th

Hawai'i's crime rate is the lowest on record since statewide data collection began in 1975. Why then are certain legislators pushing a BIG jail and a HUMONGOUS prison?

The research is very clear that simply locking people up will not solve our problems; we cannot build our way out of crime and our social problems. Prison should be reserved for those who harm others; yet our facilities are bursting with nonviolent drug lawbreakers.

CAP's strategy has broadened the discussion on alternatives to incarceration and intermediate sanctions (sanctions that include everything short of incarceration such as increased supervision, community monitoring, treatment, etc.)

Community Alliance on Prisons (CAP) is a community initiative working to develop effective interventions for Hawai'i's offenders and to improve the quality of justice in Hawai'i. We are a diverse coalition of community groups, churches, scholars, businesses, concerned community members, service providers, families of inmates, and ex-offenders.

Aloha Kokua Council Members and Supporters:

If you use email, please provide the following to us at our email address,
kokuacouncil.programs@gmail.com:

- Your name
- Email address
- Phone number
- Mailing address, including zip-code

**Please let us know if you prefer to receive e-newsletters
instead of paper-newsletters, or both.**

REMINDER:

34th Annual Hawaii Seniors' Fair, Good Life Expo at Blaisdell Center
Friday, Sept 21 through Sunday, Sept 23, from 8:30 to 4:30 daily.
FREE ADMISSION.



Kokua Council for Senior Citizens of Hawaii Education Fund, Inc.
 20 South Vineyard Blvd.
 Honolulu, HI 96813
<http://www.kokuacouncil.org>

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WORKING TOGETHER TO HELP OTHERS

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 seeks to inform and advocate through policy change to provide support and advocacy to Seniors and other concerned citizens and serves as a conduit to provide information on current issues of interest.

YOUR 2018 OFFICERS AND BOARD MEMBERS

Officers: President — Jim Shon, 282-1509; **Secretary** – Kathy Wyatt; VPs: Barbara Service and Lila Mower, Treasurer – Barbara Service, 352-7779.

Board Members: Charles Carole; T. J. Davies, tjdavies@juno.com; Larry Geller, 540-1928; Percy Ihara 234-3117; Lila Mower 255-3863, Rose Nakamura 732-7904; Lourdes Scheibert 282-9487; Barbara Service; Helen Wagner 292-0519; Emeritus: Sam Cox, 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: 501(c)(4) Advocacy _____ Education Fund: 501(c)(3) _____ (Tax Deductible) Date _____

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