



Hawai'i Association of REALTORS®

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# Government Affairs Committee Policy & Procedure Manual<sup>1</sup>

Approved by:  
Government Affairs Committee (09-30-09)  
Executive Committee (10-14-09)  
Board of Directors (10-22-09)

Amended by:  
HAR Staff (10-15-09)

Revised (Date reflects changes adopted by the Board): \_\_\_\_\_

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<sup>1</sup> The HAR Government Affairs Committee Policy and Procedure Manual may be revised by a majority vote of the HAR Board of Directors.

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## **I. ABOUT**

### **A. PURPOSE**

The Hawai'i Association of REALTORS® Government Affairs Committee (GAC) is responsible for protecting, promoting, and advancing the public policy interests and objectives of REALTORS® through political advocacy.

### **B. SCOPE**

The primary effort of the GAC is at the state level, including but not limited to the Legislature, Executive Branch and State Agencies. However, the GAC may, from time to time, be involved with issues at the federal level through the National Association of REALTORS® and at the county levels through the Local Boards.

## **II. COMPOSITION**

The GAC is composed of the following:

### **1. Officers**

- Committee Chair and at least one Vice-Chair.
  - The HAR President and/or President Elect shall appoint the Chair and Vice-Chair.

### **2. Members**

- The GAC shall consist of at least 12 and no more than 20 voting members and effort is made to ensure it is comprised of a representative from each Local Board.

### **3. Ex-Officio Representatives**

- Ex-Officio member are non-voting members who serve on the GAC. Members possessing subject matter expertise on certain areas pertinent to the real estate industry may be invited to sit on GAC. For example, property management, land use, etc.
- Ex-officio members are approved by the HAR President and/or President-Elect.
- The HAR President shall serve as an ex-officio member of the GAC and may appoint a Committee Liaison to the Executive Committee as an ex-officio.

### **4. Conflict of Interest and Confidentiality**

All GAC members, including ex-officio representatives, are required to review, agree and sign HAR's Conflict of Interest and Confidentiality Policy Agreements.

## 5. Terms and Vacancies

- Each GAC member serves 2-year staggered terms, unless filling a vacancy with a shorter term after which an appointment for a new 2-year term shall be made; and
- The Committee term operates from July 1 to June 30.

## 6. Removal

A GAC member will automatically be removed from GAC upon temporary suspension or loss of real estate license; loss of REALTOR® or Member Board affiliation; announcing candidacy for, or becoming a candidate for an elected local, statewide or federal office; or if a member fails to attend 3 consecutive meetings without justifiable reasons and proper notice.

Concurrent recommendation for removal by GAC Chair and President and/or President Elect is required.

## 7. Consent by Board of Directors

All appointments made shall be approved by the HAR Board of Directors.

### III. MEETING STRUCTURE

- Meetings will be set to correlate with the Legislative Session and Timetable.
- A quorum shall be a majority of the voting members of GAC
- Special meetings of GAC may be called by the GAC Chair.
- A majority vote of those present and voting is required for action. Policy actions must be made in the form of recommendations to the HAR Board of Directors;
- Meetings may be conducted by use of teleconference or similar communication tools. Action may be taken by facsimile and electronic mail, or by written ballot without a meeting.

### IV. SUBCOMMITTEE STRUCTURE

The GAC Chair shall determine the Subcommittee Chairs and members and their assignments. All changes shall be done by the Chair and/or Vice Chair. The following subcommittees will be in existence:

- Subcommittee on Taxation and Finance;
- Subcommittee on Land Use and Environment;
- Subcommittee on Business and Transactions; and
- Subcommittee on Residential/Multifamily Housing.

**V. DUTIES & RESPONSIBILITIES**

**A. CHAIR / VICE-CHAIR**

1. The Chair shall preside at all meetings of the GAC and shall perform such other duties usual and customary to such office. The Chair can only break a tie in a vote taken. The Chair shall be an *ex-officio* member of all GAC subcommittees;
2. The Vice-Chair may be called to preside at the meetings of the GAC and other duties customary to the position in the absence of the Chair or at the Chair's request;
3. HAR staff, in consultation with the GAC Chair, shall prepare the budget and submit to the HAR Board of Directors for review and approval. Should the HAR staff or GAC Chair, at any time, foresee an unusual or unbudgeted expense outside the approved Budget, the Chair shall submit a request for audience before the HAR Executive Committee;
4. HAR staff, in consultation with the GAC Chair, shall prepare the succeeding years' Government Affairs Operational Plan by Fall of the previous year;
5. The Chair shall have the authority to call upon special Task Forces within the GAC. However, all recommendations must be approved by the HAR Board of Directors;
6. The meeting agenda shall be set and approved by the Chair prior to the scheduled meeting;
7. The Chair shall have the authority to call and set forth meetings as necessary; and
8. The GAC Chair shall assign a GAC member to at least one lawmaker to serve as State Political Coordinator or "liaisons" between lawmaker and the Association.

## **B. MEMBERS**

The duties of GAC members include:

1. Providing the REALTOR® perspective on legislative issues and/or testimony;
2. Serving on at least one Subcommittee;
3. Serving as a Statewide Political Coordinator;
4. Helping to determine which issues require a Call-to-Action. Also, respond and encourage others to respond to all HAR Calls-to-Action;
5. GAC members are encouraged to attend fundraisers hosted by lawmakers. Tickets to fundraisers held by lawmakers are purchased by HAR RPAC and made available to GAC members.
6. GAC, with the approval of the Board of Directors, also serves to develop and recommend HAR policy and programs on real estate issues and a legislative and regulatory agenda for staff and GAC to pursue and implement.
7. Providing guidance on which type of function will be held for REALTORS® at Legislative Day. Also, includes attending Legislative Day;
8. Assisting in mobilizing REALTORS® on critical issues;
9. Giving or seeking feedback from other members as to the issues impacting REALTORS®;
10. Setting forth and prioritizing the proactive issues for any given Legislative session; and
11. Being called upon during an election year to serve on the Candidate Screening Committee.

## **C. EX-OFFICIO**

1. Ex-Officio members are assigned to serve on a Subcommittee. However, the HAR President and Committee Liaison shall serve as ex-officio of all Subcommittees and may attend accordingly;
2. Ex-Officio members who have subject matter expertise will often serve as a resource for information on their specific expertise; and
3. Provide feedback and opinions at GAC meetings on legislative issues/testimony.

## **VI. TIMELINE**

### **A. PRE-SESSION**

#### **1. PROACTIVE ISSUE AGENDA**

After adjournment of the State Legislative Session in May, often referred to as the Interim, the GAC begins public policy discussion to determine subjects that are important, and may be considered to best serve the membership of the organization. Also, surveys can be created to garner feedback on legislative issues.

The Legislative Program paves the way in advancing the interests and objectives of HAR. The program, with justification, shall be recommended to the HAR Board of Directors for consideration and approval.

#### **2. LEGISLATIVE DAY**

Legislative Day is an opportunity for REALTORS® from across Hawai'i to meet with their state legislators to discuss the issues that affect the real estate industry. Since 2006, the GAC has decided on a lunch and informational briefing held at the State Capitol Conference Rooms. Please note: although Legislative Day is usually prior to session it may be during session based on the determination by the GAC.

*Please refer to Appendix A for a list of Do's and Don'ts with Legislators.*

#### **3. STATEWIDE POLITICAL COORDINATOR**

The State Political Coordinator (SPC) program is an organized, proactive, and strategic grassroots advocacy program of HAR. The purpose of the program is to build strong on-going relationships with key state legislators in positions important to achieving the policy goals and objectives of HAR. Members of the GAC are usually assigned as an SPC to a specific legislator, and are utilized to discuss proactive issue agenda or other bills with their contacts.

#### **4. STRATEGIZING**

The GAC may meet during the Interim to strategize and/or plan ahead for the next session. Or, the meetings can be as a result of a previous year's legislation or in preparation of the next session based on the economy, real estate industry, etc.

## B. DURING SESSION

The start of the Legislative session begins all the fun.

*Please Refer to Appendix B for a diagram on “How a Bill Becomes Law.”*

### 1. BILL REVIEW

At the start of the legislative session, staff and the GAC review all bills introduced. Typically, staff will first review and sort relevant bills by Subcommittee based on topic. History often dictates some of the positions on various legislative issues, such as the Handyman Exemption; General Excise Tax; Rental Housing Trust Fund, etc. However, for legislation that is new often the GAC members play a crucial role in parsing the potential problems and/or benefits of a bill.

- “Proactive” (Pre-approved HAR sponsored bills.)
- “Monitor” (Observe the movement of bills with possible reactive measures.)
- “Reactive” (Important real estate issues in support or against)

**Based on the following categories** it can be determined whether testimony is needed and/or what HAR’s position will be.

- **Strongly Support:** HAR will devote the highest level of staff and GAC resources to actively work to pass the bill. HAR may propose draft legislation on issues we “strongly support, which includes our proactive issues agenda.
- **Support:** HAR is interested in passing the bill, but it is not among our highest immediate priorities.
- **Comment:** HAR may provide comments on a bill. There are several reasons to comments, including: sign of neutrality on an issue; addresses an extremely controversial topic; or may not support or oppose but bill requires technical changes or re-wording.
- **Oppose:** HAR is concerned about the bill and does not support its passage, but it is not among our highest immediate priorities. HAR will likely initiate and/or sign onto letters with industry colleagues, meet with members of the Legislature and/or staff, or other activities to prevent the bill from becoming law.
- **Strongly Oppose:** HAR will devote the highest level of staff and GAC resources to actively work against the bill. HAR may propose alternative draft legislation on issues we “strongly oppose.”

## 2. TESTIMONY

- Any testimony submitted shall follow the program approved by GAC or position guided by the committee and/or subcommittee.
- If submitting personal testimony on any legislation it must be noted that the testimony is not as a representative of the Hawai'i Association of REALTORS®;
- Written Testimony shall incorporate the generic template provided by HAR staff identifying HAR's position.
- Testimony shall be guided by GAC members;
- Testimony shall be submitted in a timely manner to the Legislature via staff or those persons responsible;
- Staff will retain copies of all testimonies for historical purposes;
- Specific testimony requiring expertise in a specific field should be reviewed by the appropriate experts (tax/lobbyist);
- Often bills may require quick turnaround. GAC input via e-mail or telephone is needed to help determine the REALTOR® perspective on legislation.

For those testifying:

- Be familiar with the subject and understand the bill being heard;
- Be on time;
- Dress professionally;
- Adhere to the subject of the testimony;
- Be respectful;
- Present testimony professionally;
- If there is nothing new to add to the topic you may say: I am [Name], representing the Hawai'i Association of REALTORS® and we stand on our testimony in opposition/support.”
- Be available as Legislators may call upon you for questions. Do not just testify and leave.
- If called upon by a Legislator and unsure about the correct/appropriate response do not make anything up. Let the Legislator know you will get them an answer and let them or their staff know. Then, let HAR staff know to research the answers.

**SAMPLE TESTIMONY:**



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February 2, 2009

**The Honorable Robert N. Herkes, Chair**

House Committee on Consumer Protection & Commerce

**The Honorable Jon Riki Karamatsu, Chair**

House Committee on Judiciary

State Capitol, Room 325

Honolulu, Hawaii 96813

**RE: H.B. 233 Relating to the Mortgage Rescue Fraud Prevention Act**

Aloha Chair Herkes, Chair Karamatsu, and members of the Committees on Consumer Protection & Commerce and Judiciary,

On behalf of our 9,600 members in Hawai'i, the Hawai'i Association of REALTORS® (HAR) **strongly supports** H.B. 233 which excludes licensed real estate brokers and salespersons from the definition of distressed property consultants in the Mortgage Foreclosure Rescue Fraud Prevention Act. Also, prohibits the acquisition of an ownership interest in distressed property by a real estate licensee for a distressed property they have listed.

The Mortgage Rescue Fraud Prevention Act, or Act 137, Session Laws of Hawai'i (SLH) 2008 was primarily intended to protect financially strapped homeowners from equity skimming and foreclosure rescue scams.

Since passage of Act 137, HAR became aware of the broader implications on consumers and the real estate industry. Act 137 has created concerns for real estate licensees engaged in bona fide real estate services to unwittingly become a distress property consultant and face liability for violating the law.

Based on the ambiguity in the law and uncertainty of interpretation real estate firms and licensees have shied away from representing existing or potential distressed homeowners for fear of the legal consequences attached to the law.

Prior to this Act, real estate licensees would help homeowners by negotiating with lenders, sometimes multiple lenders, to avoid foreclosure. In turn they would negotiate on behalf of their client to the lenders to pursue better options, such as short sales, which put more control on the part of the homeowner and is better on their credit than a foreclosure. In these tough economic times, it is ultimately the consumer who is hurting from not being able to receive these services.

DCCA and HAR have been involved in multiple discussions during the interim and have come to a compromise, which is provided before you.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.

### **3. MEETINGS**

The regularly scheduled meetings of the GAC shall be held weekly, unless otherwise determined by the Chair, in conjunction with the State Legislative Session from January through May.

At these meetings often the Subcommittee will break out into breakout session to discuss the status of legislation; additional input or feedback on bills they are monitoring; and suggest additional bills they should be monitoring.

Also, details on meetings with Legislators; Committee feedback from testifiers; status of legislation are discussed in detail.

Any meeting notes taken are to remain confidential, as they may contain highly confidential information.

### **4. ADDITIONAL GAC RESOURCES**

The following tools are made available to GAC to help further their duties and responsibilities as enumerated in this guide.

- Bill Tracker;
- Research and White Papers;
- Weekly Legislative Bulletin;
- GAC Blog; and
- Testimony Submitted Page on HAR website.

**APPENDIX A: DO's and DON'Ts w/ Legislators**

<b>DO</b>	<b>DO NOT</b>
<ol style="list-style-type: none"> <li>1. Arrive early.</li> <li>2. Be positive and respectful.</li> <li>3. Make sure you address a lawmaker properly. For example: <ul style="list-style-type: none"> <li>• Governor [Last Name];</li> <li>• Madam/Mister President (Senate);</li> <li>• Madam/Mister Speaker (House);</li> <li>• Representative [Last Name]; or</li> <li>• Senator [Last Name].</li> </ul> </li> </ol> <p>If at a Committee hearing, call a Senator or Representative: Madam/Mister Chair/Vice-Chair or Chair/Vice-Chair [Last Name].</p> <ol style="list-style-type: none"> <li>4. Dress appropriately.</li> <li>5. Renew the relationship around small talk and quick introductions.</li> <li>6. Ask the legislator about their interests and agenda.</li> <li>7. Letting the legislators know if you are a constituent in his or her district and how long you've been living there.</li> <li>8. Letting the legislators know how long you've been in the business.</li> <li>9. Letting the legislator know how long you've been coming to Legislative Day.</li> <li>10. Wear your REALTOR® pin.</li> <li>11. Wear a name badge.</li> <li>12. Place your cellular phone or pager on vibrate mode.</li> </ol>	<ol style="list-style-type: none"> <li>1. Arrive late.</li> <li>2. Be rude, threatening or intimidating.</li> <li>3. Lie to a legislator (not even a little bit.)</li> <li>4. Forward or hand to them material sent to you by the HAR office, unless allowed.</li> <li>5. Discuss their voting records on legislation.</li> <li><b>6. Discuss personal, confidential or controversial issues.</b></li> <li>7. Make claims which you cannot back up. (i.e., these proposals will shutdown the real estate industry.)</li> <li>8. Make a commitment (i.e. HAR would gladly support your proposal.)</li> <li><b>9. Discuss anything related to RPAC or fundraising.</b></li> <li>10. Do not mention or reference any other legislator by name during a visit with another legislator.</li> </ol>

APPENDIX B. HOW A BILL BECOMES LAW

