

February 26, 2009

The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce & Consumer Protection
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: S.B. 205, S.D. 1 Relating to Owner-Builder

HEARING DATE: Friday, February 27, 2009 at 9:30 a.m.

Aloha Chair Baker, Vice-Chair Ige and Members of the Committee:

I am Myoung Oh, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR") and its 9,600 members in Hawai'i. HAR **opposes** S.B. 205, S.D. 1, which increases the period prohibiting sale or lease by owner-builder from 1 to 2 years unless due to circumstances as determined by the contractors licensing board and requires that an exemption from licensing requirements is given no more than once in 3 years.

HAR opposes the increase of time restrictions as proposed in the bill. The exemption in HRS 442-2 exempts persons who qualify as "owner builder" from the contracting licensing law. The purpose of the exemption is to enable an individual homeowner to act as his/her own contractor for building or improving their residence. Owner builders are required to comply with all laws and such laws include the hiring and performance of licensed workers such as plumbers and electricians.

HAR notes that the provision at page 3, lines 14-15 leaves discretion to the Board for determining the circumstances under which an exception would be granted. Specifically, we note that no guidelines or other information for how this would be carried out are specified.

Mahalo for the opportunity to testify.