

Agenda

Standard Forms Committee Meeting
Thursday, April 30, 2020
2:00 p.m. – 3:30 p.m.
Zoom Video Conference



I. Call to Order (2:05 p.m.) **2:00 p.m.** **Lori Kaizawa**

Attendance: Lori Kaizawa (Chair), Liz Moore, Arabel Camblor, Frank Goodale, Patti Ichida, Roy Sakamoto, Phoebe Nikolakis, Sharon Brown, Jeannie Wenger, John Connelley, Kelly Liberatore, Carol Cummings, Staff – Andrew Nguyen, Nancy Donahue-Jones, and Ethel Keyes.

Quorum reached.

II. Minutes **2:01 p.m.** **Lori Kaizawa**

- a. Any corrections to February 20, March 25, and March 26, 2020 meeting minutes

February minutes were tabled until the next regular SFC Mtg.

Discussion on the 25th & 26th minutes; Liz has questions on the minutes: 25th discussed what forms should look like and Andrew would draft form, but the 26th says the same thing. On the 26th, there was review on what CA form had and discussed changes. Per Andrew agrees with Liz however Liz feel that the minutes should reflect the work done on the 26th. After discussion, moved in.

III. Updates on issues of concern/interest to Committee **2:02 p.m.** **Lori Kaizawa**

- a. Governor's Emergency Proclamations

HAR reviewed on the mayoral level and more info coming out. Normal real estate services, while doing as much virtual and with social distancing in mind. Will wait to see what happens at the end of May. Andrew has gotten several calls regarding the emergency orders. The eviction moratorium is been a big issue, receiving several calls. (Evictions started before moratorium).

Jeannie brought up if it is a Fanny/Freddy they cannot be evicted, asked if Andrew can check on that. Forbearance, and misinformation that comes with Forbearance if HAR can put out answers to these situations and would be helpful for the membership.

Questions / Feedback: *Liz discussed what HBR has put out regarding Honolulu. Asked if Andrew is differentiating what the different mayors orders are. Andrew shared that HAR is only watching the governor's proclamations, and the local boards will be handling their local mayor proclamations. The issue on weather the Governor trumps the mayors have not been settled at the moment.*

IV. Unfinished/New Business
Coronavirus (COVID-19) Amendment/Addendum **2:30 p.m.**

Form: *Andrew has gotten a good amount of question on the form. Can the form be used unilaterally is the most common question. Form not favoring either side. Questions for more forms like the Listing Form & another similar form. Andrew has attended the local board coffee hours to answer questions as well regarding the form.*

Feed back from bigger companies:

- **Frank Goodale** shared that they haven't had a lot of transaction that require the form. Contingencies regarding amounts needs to be clear.
- **Phoebe Nikolakis** shared that the form is not being filled out properly (all boxes checked) so

they have either been countering to correct the form or not using the form at all. They've been using their own addendum versus using the HAR.

- **John Connelley** shared they prefer to use their own in-house addendum vs. the HAR addendum. They discussed that they will not get into a "Battle of the Addendum". They have not used the addendum for cancellation, just as others there are many reasons for a cancellation.
- **Patty Ichida** shared that they are also using their own HawaiiLife inhouse addendum. They also are like others; cancellations are other than from Covid 19.
- **Jeannie Wenger** used the HAR addendum, but had to make a change in #4 and was glad to have the 2 lines. **Carol** shared that the form has been used for mostly existing escrows and people have used it both ways to either cancel or the financing contingency. She said the cancellation rate is about 2 out of 10 at the moment. Not seeing the form used in the initial contract.
- **Arabel Camblor** said that nothing is happening on her end.
- **Roy Sakamoto** said that they haven't had any experience. They really haven't had any real Covid issues.
- **Sharon Cummings** said what they are seeing is that they are using their own addendum. Olivia said she hasn't had to use the form or encountered it, it is a little slow.
- **Lori Kaizawa** said she used it in an offer, but she hasn't seen anyone use the form.
- **Kelly Liberatore** talked to her PB and that their company is using the HAR form, that other companies don't want to see their own company form, rather the HAR version.

Andrew and Lori have discussed about converting the form into a generic state of emergency form so that is ready to apply (hurricane, pandemic, etc.) Asked for everyone to kind of keep that in the back of their mind. Liz thought there wasn't really a way to have a form to anticipate any future events and asked how we would tell agents to no longer use the form once Covid19 is done, and how to decide what date to discontinue the use. Lori discussed that it might be pre-mature to make a decision on when we will stop using the form for what, but discuss at a later date. Phoebe agreed that it is to soon to decide what date to discontinue the form, and should let it ride and discuss at a later date. John said that this might not be an association decision but done company to do a risk assessment and decide on the end use date of form. Kelly asked if going forward, if the form was not used at the beginning of the transaction, would it still be an amendment? Andrew answered it was always a discussion between the buyer/seller. Frank said a different way to handle would be a force mejour in the contract (certain level of emergency – although hard to define).

Jeannie brought up about devices, and that it is a concern and possibly incorporated into a form.

V. Next Meeting

Nancy shared that HAR has decided that there will be no traveling for HAR until the end of May.

Meeting Ended: 2:55 p.m.