
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 514B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§514B- Hearings. (a) If a dispute is not resolved by
5 mediation as provided in section 514B-161, in addition to any
6 other legal remedies that may be available, any party that
7 participated in the mediation may file a request for a hearing
8 with the office of administrative hearings as follows:

9 (1) The party requesting the hearing must be a board of
10 directors of a registered association pursuant to
11 section 514B-103 or a unit owner who is a member of a
12 registered association pursuant to section 514B-103;

13 (2) The request for hearing shall be filed within thirty
14 days from the final day of mediation;

15 (3) The request for hearing shall name one or more parties
16 that participated in the mediation as an adverse party
17 and identify the statutory provisions in dispute; and



1 (e) Rules of practice and procedure of the department of
2 commerce and consumer affairs shall govern all proceedings
3 brought under this section. The burden of proof, including the
4 burden of producing the evidence and the burden of persuasion,
5 shall be upon the party initiating the proceeding. Proof of a
6 matter shall be by a preponderance of the evidence.

7 (f) Hearings to review and make determinations upon any
8 requests for hearings filed under subsection (a) shall commence
9 within sixty days following the receipt of the request for
10 hearing. The hearing officer shall issue written findings of
11 fact, conclusions of law, and an order as expeditiously as
12 practicable after the hearing has been concluded.

13 (g) Each party to the hearing shall bear the party's own
14 costs, including attorney's fees, unless otherwise ordered by
15 the hearing officer.

16 (h) Any party to a proceedings under this section who is
17 aggrieved by a final decision of a hearings officer may apply
18 for judicial review of that decision pursuant to section 91-14;
19 provided that any party seeking judicial review pursuant to
20 section 91-14 shall be responsible for the costs of preparing
21 the record on appeal, including the cost of preparing the
22 transcript of the hearing.



1 (i) The department of commerce and consumer affairs may
2 adopt rules and forms, pursuant to chapter 91, to effectuate the
3 purpose of this section and to implement its provisions."

4 SECTION 2. Act 164, Session Laws of Hawaii 2004, is
5 amended by amending section 29 to read as follows:

6 "SECTION 29. The director of commerce and consumer affairs
7 shall prepare and submit to the legislature, twenty days prior
8 to the convening of the [~~2005~~] 2007 and [~~2006~~] 2008 regular
9 sessions, a report containing the director's evaluation of the
10 operation and effect of the pilot program established by this
11 section. The report shall include a summary of the requests for
12 hearing brought under the pilot program, the disposition of such
13 requests for hearing, an appraisal of the effectiveness of the
14 pilot program, and recommendations for changes, modifications,
15 or repeal of the pilot program or parts thereof with
16 accompanying reasons and data."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2006 and
20 shall be repealed on June 30, 2008.

Report Title:

Condominiums

Description:

Extends for 2 years pilot program for condominium management dispute resolution by establishing comparable provisions in new condominium law. (SD1)

