

STAND. COM. REP. NO.

3442

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3331
H.D. 2
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 3331, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to clarify dispute resolution procedures relating to the mediation of condominium disputes involving the interpretation or enforcement of the association of apartment owners' declaration, bylaws, house rules, or other specified matters.

This measure also requires the Real Estate Commission to report to the 2009 Legislature on various matters indicative of the effectiveness of this measure.

Your Committee received testimony in support of this measure from the Hawaii Independent Condominium & Cooperative Owners and Hawaii Council of Associations of Apartment Owners. Testimony in opposition was received from the Community Associations Institute (Hawaii Chapter), The Mediation Center of the Pacific, and one individual. Comments were received from the Real Estate Commission.

This measure is intended to run concurrently with Act 277, Session Laws of Hawaii 2006, which enacted into condominium law a hearings procedure to resolve disputes not resolved by mediation in addition to other available legal remedies. Act 277 sunsets on

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June 30, 2009, as does this measure. This measure strengthens the mediation procedures, as distinguished from arbitration and administrative hearings (condo court) and provides a viable, less adversarial means of resolving differences between owners and the association of apartment owners.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the Real Estate Commission make a report to the Legislature;
- (2) Correcting an internal section number cross-reference;
and
- (3) Changing the effective date to July 1, 2050 to continue the discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3331, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3331, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
HB 3331 HD2 SD1	CPH, JDL	4-7-08

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	8	—	—	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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