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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE  
FEASIBILITY OF ESTABLISHING A CONDOMINIUM OMBUDSMAN.

1           WHEREAS, pursuant to sections 514A-7 and 514B-63, Hawaii  
2 Revised Statutes, the Director of Commerce and Consumer Affairs  
3 may appoint condominium specialists to assist consumers with  
4 information, advice, and referral on any matter relating to  
5 condominium associations or otherwise concerning condominiums;  
6 and

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8           WHEREAS, the Real Estate Commission has been required since  
9 2013 to use the condominium education trust fund to support  
10 mediation of condominium related disputes pursuant to section  
11 514B-71(a)(4), Hawaii Revised Statutes; and

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13           WHEREAS, this particular use of the condominium education  
14 trust fund is subsidized by an additional increase in the annual  
15 condominium education trust fund fee pursuant to section 514B-  
16 72(a)(2), Hawaii Revised Statutes; and

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18           WHEREAS, since 2013, the Real Estate Commission has started  
19 to use an evaluative mediation service as a means of dispute  
20 resolution; and

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22           WHEREAS, evaluative mediation is a style of mediation that  
23 employs trained mediators who possess subject matter expertise  
24 in various areas of the law; and

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26           WHEREAS, the establishment of a condominium ombudsman has  
27 been proposed as an additional option for the resolution of  
28 condominium related disputes; now, therefore,

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30           BE IT RESOLVED by the House of Representatives of the  
31 Twenty-eighth Legislature of the State of Hawaii, Regular



# H.C.R. NO. 152

1 Session of 2016, the Senate concurring, that the Legislative  
2 Reference Bureau is requested to study the feasibility of  
3 establishing a condominium ombudsman to resolve grievances  
4 brought by residents against their condominium associations  
5 without resorting to litigation; and  
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7 BE IT FURTHER RESOLVED that the Legislative Reference  
8 Bureau is requested to consider issues such as the public need  
9 for the creation of an ombudsman position, the suitability of  
10 establishing a government entity to intervene in private  
11 condominium related disputes, the proper scope of duties of the  
12 position, staffing and funding needs, and the appropriate source  
13 of such funding; and  
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15 BE IT FURTHER RESOLVED that the Real Estate Commission  
16 provide any assistance and information requested by the  
17 Legislative Reference Bureau so that it may complete this study  
18 in a timely manner; and  
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20 BE IT FURTHER RESOLVED that the Legislative Reference  
21 Bureau is requested to submit findings and recommendations,  
22 including any proposed legislation, to the Legislature not later  
23 than twenty days prior to the convening of the Regular Session  
24 of 2017; and  
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26 BE IT FURTHER RESOLVED that certified copies of this  
27 Concurrent Resolution be transmitted to the Director of the  
28 Legislative Reference Bureau, the Chairperson of the Real Estate  
29 Commission, and the Director of the Department of Commerce and  
30 Consumer Affairs.  
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OFFERED BY:

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