

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 12:55 PM
To: CPCtestimony
Cc: alohaaclay@hawaii.rr.com
Subject: Submitted testimony for HR104 on Mar 23, 2016 14:30PM

HR104

Submitted on: 3/22/2016

Testimony for CPC on Mar 23, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alice Clay	Hui Malama O Hale	Support	No

Comments: Mahalo for allowing me to testify.. This may be a second testimony since I only received the green confirmation and not the email confirmation, so will send in again since this Resolution is very important to owners who find themselves up against BOD's and MA Co's who have the deep pockets to sue and dispute owners. Many of owners have found that DCCA/RICO cannot enforce laws written by the Legislature and BOD's and MA CO's can and feel they do not have not to follow the law. There needs to be a government agency that will enforce the condo laws since DCCA/RICO cannot. Mahalo for allowing me to resubmit my testimony.. Malama Pono.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony Submitted in support of HCR 152 , HR 104 by, John White Sr.


I am delighted to hear the attempts to establish a State Of Hawaii Office of Ombudsman lives.

I researched the latest available figures of the most recent four quarters concerning condominium mediation published on the DCCA's website " Hawaii Condominium Bulletin " which recaps quarterly mediation results. Either all of the cases are not listed or there are other types of mediation that DCCA funds and does not publicize or they are projecting a huge increase in participation of the mediation process. According to those reports there were a total of **35 request for mediation** of those 11 were successfully mediated and the other 24 either declined to participate in voluntary mediation or would not accept the mediator's ruling. The overwhelming majority of those who declined to participate were the boards of the associations. REMEMBER MEDIATION IS VOLUNTARY !

I am confused and concerned why the director of DCCA had requested such a large increase in the biennial fee's (\$1.50 x 170,000) that homeowners now contribute. This new money has been earmarked for the new mediation initiative to the tune of \$255,000.00 according to the attached article below . I think this money would be much better spent in the new office of OMBUDSMAN.

I have recapped the quarterly results below:

Volume 21, No. 1
June 2015



Hawaii Condominium Bulletin

Growing Mediation to Resolve Condominium Disputes

By Tracey Wiltgen

contents

- Growing Mediation to Resolve Condominium Disputes pages 1, 2
- Message from the Chair page 2
- Minutes: Contents page 3 - 6
- Ask the Condominium Specialist page 6
- Mediation Providers page 7

To encourage the use of mediation in condominium-related disputes, in 2014 the Hawaii State Legislature amended the Hawaii Revised Statutes (HRS) §514B-72 to include an additional annual condominium education trust fund fee in an amount equal to the product of \$1.50 times the number of condominium units included in the registered project or association. HRS § 514B-71(a)(4) was also amended to require the Hawaii Real Estate Commission to "budget an amount and expend moneys from the condominium education trust fund specifically to support mediation of condominium related disputes utilizing professionally trained mediators for those parties and disputes specified in HRS § 514B-161."

The changes to HRS §514B-72 and HRS § 514B-71(a)(4) conveyed two important messages. First, that mediation is a valuable process for addressing condominium related disputes and should be used more frequently. And second, that the mediators who mediate condominium disputes specified in section 514B-161, must have specialized training and knowledge to provide the participants with the best possible opportunity for reaching a resolution. In direct response to the statutory changes, starting on July 1, 2015, more options for accessing mediators with the requisite training will be made available and the costs of participating in mediation will be covered by the condominium education trust fund.

June-Aug.2015

3 cases total

two declined or failed in mediation

Dec.2014-Feb.2015

14 cases total

7 declined or failed mediation

March2015-May2015

Nine cases total nine cases declined or failed mediation

Information posted in monthly

DCCA's - Hawaii Condominium Monthly

<http://cca.hawaii.gov/rico?s=hawaii%20condominium%20bulletin&type=network&searchblogs=1,3,4,5,6,8,9,10,11,12,13,14,15,16,17,19,29>

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 12:13 PM
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Roger Lukas	Individual	Support	No

Comments: Condo owners desperately need support in dealing with bad association board behavior

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HR104

Submitted on: 3/22/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Lon Pierce	Individual	Support	No

Comments:

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