
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-ninth Legislature of the State of Hawaii, Regular Session



H.C.R. NO. 5

1 of 2017, the Senate concurring, that the Legislative Reference
 2 Bureau is requested to study the feasibility of establishing a
 3 condominium ombudsman to resolve grievances brought by residents
 4 against their condominium associations without resorting to
 5 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 2018; 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 Commerce and Consumer Affairs.

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OFFERED BY: Senate Room

COZ

[Signature]

D. H. H.

JAN 20 2017

