

MAR 10 2017

SENATE 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 Senate of the Twenty-ninth
31 Legislature of the State of Hawaii, Regular Session of 2017,
32 that the Legislative Reference Bureau is requested to study the
33 feasibility of establishing a condominium ombudsman to resolve



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1 grievances brought by residents against their condominium
2 associations without resorting to litigation; and
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4 BE IT FURTHER RESOLVED that the Legislative Reference
5 Bureau is requested to consider issues such as the public need
6 for the creation of an ombudsman position, the suitability of
7 establishing a government entity to intervene in private
8 condominium-related disputes, the proper scope of duties of the
9 position, staffing and funding needs, and the appropriate source
10 of such funding; and
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12 BE IT FURTHER RESOLVED that the Real Estate Commission
13 provide any assistance and information requested by the
14 Legislative Reference Bureau so that it may complete this study
15 in a timely manner; and
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17 BE IT FURTHER RESOLVED that the Legislative Reference
18 Bureau is requested to submit findings and recommendations,
19 including any proposed legislation, to the Legislature not later
20 than twenty days prior to the convening of the Regular Session
21 of 2018; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Director of the Legislative
25 Reference Bureau, the Chairperson of the Real Estate Commission,
26 and the Director of Commerce and Consumer Affairs.
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OFFERED BY: _____

