

MAR 10 2023

SENATE CONCURRENT RESOLUTION

URGING THE REAL ESTATE COMMISSION TO DEVELOP POLICIES AND PROGRAMS TO INFORM AND EDUCATE CONDOMINIUM ASSOCIATION OWNERS AND BOARD MEMBERS OF CERTAIN MATTERS TO PROMOTE THE EFFICIENT ADMINISTRATION OF CONDOMINIUM ASSOCIATIONS.

1 WHEREAS, the unit owners of a condominium comprise its
2 association and have duties and powers outlined in section
3 514B-104, Hawaii Revised Statutes (HRS), and must comply with
4 their association's governing declaration, bylaws, house rules,
5 and policies; and
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7 WHEREAS, each year, association unit owners elect board
8 members to manage their condominium's operations; pay
9 assessments for the operation, repair, and maintenance of their
10 condominiums; and fund reserves for deferred maintenance; and
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12 WHEREAS, boards of condominium associations are governed by
13 chapter 514B, HRS, requiring that they follow their
14 association's governing documents in managing condominium
15 operations; repairing and maintaining their condominiums;
16 assessing unit owners when needed; and facilitating capital
17 improvements; and
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19 WHEREAS, as condominiums age, repair and maintenance costs
20 also increase, which may impact association unit owners through
21 increased maintenance fees and special assessments; and
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23 WHEREAS, the imposition of increased maintenance fees and
24 special assessments can create discord and conflict between the
25 association unit owners and their boards and managing agents,
26 resulting in frustration, hostility, and dissension; and
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28 WHEREAS, section 514B-71, HRS, requires the Real Estate
29 Commission--a commission administratively attached to the
30 Department of Commerce and Consumer Affairs that has oversight
31 of condominiums--to establish the Condominium Education Trust



1 Fund to promote, among other things, education and research in
2 condominium management, the improvement and more efficient
3 administration of associations, and the expeditious and
4 inexpensive resolution of association disputes; now, therefore,
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6 BE IT RESOLVED by the Senate of the Thirty-second
7 Legislature of the State of Hawaii, Regular Session of 2023, the
8 House of Representatives concurring, that the Real Estate
9 Commission is urged to develop policies and programs to inform
10 and educate condominium association unit owners and board
11 members of the following:

- 12 (1) Effective condominium governance practices, including
13 the importance of maintaining open and frequent
14 communication;
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- 16 (2) The purpose of governing documents and how they guide
17 condominium management;
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- 19 (3) The respective obligations of unit owners and board
20 members;
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- 22 (4) The interplay between regular assessments, reserves,
23 capital improvements, and special assessments;
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- 25 (5) Any other matters related to the effective
26 administration of associations; and
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- 28 (6) Dispute resolution processes, including the mechanics
29 of mediation and arbitration; and
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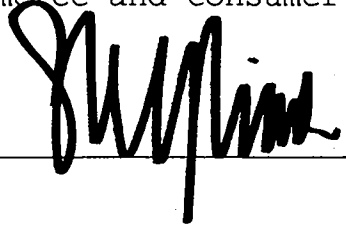
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32 BE IT FURTHER RESOLVED that the Real Estate Commission is
33 requested to use the Condominium Education Trust Fund for the
34 purposes of developing the educational policies and programs
35 requested herein; and
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S.C.R. NO. 124

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chair of the Real
3 Estate Commission and Director of Commerce and Consumer Affairs.
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OFFERED BY: _____

A handwritten signature in black ink, appearing to be "J. M. ...", is written over a horizontal line that follows the text "OFFERED BY:". The signature is stylized and somewhat cursive.