
HOUSE 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
7

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
12

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
17

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
21

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
25

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,
29

30 BE IT RESOLVED by the House of Representatives of the
31 Twenty-eighth Legislature of the State of Hawaii, Regular
32 Session of 2016, that the Legislative Reference Bureau is
33 requested to study the feasibility of establishing a condominium



H.R. NO. 104

1 ombudsman to resolve grievances brought by residents against
 2 their condominium associations without resorting to litigation;
 3 and
 4

5 BE IT FURTHER RESOLVED that the Legislative Reference
 6 Bureau is requested to consider issues such as the public need
 7 for the creation of an ombudsman position, the suitability of
 8 establishing a government entity to intervene in private
 9 condominium related disputes, the proper scope of duties of the
 10 position, staffing and funding needs, and the appropriate source
 11 of such funding; and
 12

13 BE IT FURTHER RESOLVED that the Real Estate Commission
 14 provide any assistance and information requested by the
 15 Legislative Reference Bureau so that it may complete this study
 16 in a timely manner; and
 17

18 BE IT FURTHER RESOLVED that the Legislative Reference
 19 Bureau is requested to submit findings and recommendations,
 20 including any proposed legislation, to the Legislature not later
 21 than twenty days prior to the convening of the Regular Session
 22 of 2017; and
 23

24 BE IT FURTHER RESOLVED that certified copies of this
 25 Resolution be transmitted to the Director of the Legislative
 26 Reference Bureau, the Chairperson of the Real Estate Commission,
 27 and the Director of the Department of Commerce and Consumer
 28 Affairs.
 29
 30
 31

OFFERED BY:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

