SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A CONDOMINIUM OMBUDSMAN.

WHEREAS, pursuant to sections 514A-7 and 514B-63, Hawaii Revised Statutes, the Director of Commerce and Consumer Affairs may appoint condominium specialists to assist consumers with information, advice, and referral on any matter relating to condominium associations or otherwise concerning condominiums; and

WHEREAS, the Real Estate Commission has been required since 2013 to use the condominium education trust fund to support mediation of condominium-related disputes pursuant to section 514B-71(a)(4), Hawaii Revised Statutes; and

WHEREAS, this particular use of the condominium education trust fund is subsidized by an additional increase in the annual condominium education trust fund fee pursuant to section 514B-72(a)(2), Hawaii Revised Statutes; and

WHEREAS, since 2013, the Real Estate Commission has started to use an evaluative mediation service as a means of dispute resolution; and

WHEREAS, evaluative mediation is a style of mediation that employs trained mediators who possess subject matter expertise in various areas of the law; and

WHEREAS, the establishment of a condominium ombudsman has been proposed as an additional option for the resolution of condominium-related disputes; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the Legislative

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Reference Bureau is requested to study the feasibility of establishing a condominium ombudsman to resolve grievances brought by residents against their condominium associations without resorting to litigation; and

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

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

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit findings and recommendations, including any proposed legislation, to the Legislature not later than twenty days prior to the convening of the Regular Session of 2018; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of the Legislative Reference Bureau, the Chairperson of the Real Estate Commission, and the Director of Commerce and Consumer Affairs.

OFFERED BY: [Signature]